



## BULKY DOCUMENTS

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Title: **REQUEST FOR RECONSIDERATION AFTER  
FINAL ACTION**

Part **1** of **1**

**77713799**

## Request for Reconsideration after Final Action

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LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	
<p style="text-align: center;"><b>REMARKS</b></p> <p>The Trademark Office ("Office") has refused registration on the Principal Register of Applicant's mark THE BLACK SERIES (the "Mark") for "Electric massage appliances, namely, hand-held massagers, massage mechanism for chairs, and foot spa massagers," stating that the Mark "merely describes a feature or characteristic of applicant's goods." (Office Action of November 17, 2010 ("Office Action"), page 2) The Office states that the goods "are black in color, thus the term 'BLACK' describes a significant feature or characteristic of the goods." <i>Id.</i> In addition, the Office states that Applicant's "submission of a disclaimer of the term 'SERIES' is a tacit agreement that this wording is descriptive, [thus] the entire mark, 'THE BLACK SERIES,' describes a feature or characteristic of applicant's goods." <i>Id.</i> For the reasons set forth below, Applicant respectfully disagrees and traverses this rejection.</p> <p><b>A. APPLICABLE LAW</b></p> <p>A mark is considered to be merely descriptive only if the mark immediately conveys information concerning a function, quality, ingredient, characteristic, purpose, or use of the specified good or service. Trademark Manual of Examining Procedure (TMEP) § 1209.01(b); <i>In re Gyulay</i>, 820 F.2d 1216, 1217 (Fed. Cir. 1987); <i>In re Abcor Development Corp.</i>, 588 F.2d 811, 813, 200 USPQ 215 (C.C.P.A. 1978). However, if one must "follow a multi-stage reasoning process to determine what product or service characteristics the term indicates, the term is suggestive rather than merely</p>	

descriptive.” *In re Tennis in the Round, Inc.*, 199 USPQ 496, 497 (TTAB 1978) (TENNIS IN THE ROUND held not descriptive of tennis facilities). *See also In re Shutts*, 217 USPQ 363, 364-365 (TTAB 1983); *In re Universal Water Systems, Inc.*, 209 USPQ 165, 166 (TTAB 1980). “Thus, a suggestive term differs from a descriptive term, which immediately tells something about the goods or services.” TMEP 1209.01(a) (citing *In re George Weston Ltd.*, 228 USPQ 57 (TTAB 1985) (SPEEDI BAKE for frozen dough found to fall within the category of suggestive marks because it only vaguely suggests a desirable characteristic of frozen dough, namely, that it quickly and easily may be baked into bread); *In re The Noble Co.*, 225 USPQ 749 (TTAB 1985) (NOBURST for liquid antifreeze and rust inhibitor for hot-water-heating systems found to suggest a desired result of using the product rather than immediately informing the purchasing public of a characteristic, feature, function, or attribute); *In re Pennwalt Corp.*, 173 USPQ 317 (TTAB 1972) (DRI-FOOT held suggestive of antiperspirant deodorant for feet in part because, in the singular, it is not the usual or normal manner in which the purpose of an antiperspirant and deodorant for the feet would be described)).

Whether a mark is merely descriptive or suggestive is a question of fact as determined by the perception of the relevant purchasing public. *In re Bed & Breakfast Registry*, 791 F.2d 157, 160, 229 USPQ2d 818, 819 (Fed. Cir. 1986). This determination should not be made in the abstract. Rather, it should be made in relation to the goods or services for which registration is sought, “the context in which the mark is used or intended to be used in connection with those goods/services, and the possible significance that the mark would have to the average purchaser of the goods or services in the marketplace.” TMEP §1209.01(b). *See, e.g., In re Omaha Nat’l Corp.*, 819 F.2d 1117, 119, 2 USPQ2d 1859 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 588 F.2d 811, 814, 200 USPQ 215 (C.C.P.A. 1978); *In re Venture Lending Associates*, 226 USPQ 285 (TTAB 1985). The issue is whether a prospective purchaser who knows the goods or services will understand the mark to convey information about such goods or services. *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1316-1317 (TTAB 2002); *In re Patent & Trademark Services Inc.*, 49 USPQ2d 1537, 1539 (TTAB 1998); *In re Home Builders Association of Greenville*, 18 USPQ2d 1313, 1317 (TTAB 1990); *In re American Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

Moreover, in determining whether a mark is merely descriptive, the mark must be considered in its entirety. Although common words may be descriptive when standing alone, combining them may evoke a new and unique commercial impression. TMEP § 1209.03(d). *See, e.g., In re Tower Tech.*, 64

USPQ2d at 1317-1318; *Concurrent Technologies Inc. v. Concurrent Technologies Corp.*, 12 USPQ2d 1054, 1057 (TTAB 1989).

Finally, to the extent that there is any doubt in determining whether a mark is suggestive or merely descriptive, such doubt must be resolved in Applicant's favor. *In re Merrill Lynch, Pierce, Fenner, and Smith, Inc.*, 828 F.2d 1567, 1571, 4 USPQ2d 1141, 1144 (Fed. Cir. 1987); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006).

## **B. DISCUSSION**

As stated above, the Office states that the goods "are black in color, thus the term 'BLACK' describes a significant feature or characteristic of the goods." Office Action, p. 2. At most, the term BLACK is suggestive of the goods, however, in no instance, is it descriptive of the goods. Indeed, the term BLACK is suggestive of the quality of the goods, *i.e.*, elegant design and premium quality.

While the term BLACK is defined as an adjective ("of the color black") ( *see* Exhibit A, definition of "black" by Free Merriam-Webster Dictionary, attached hereto) that may be used to describe things that are black in color, BLACK also has several connotations that are unrelated to color. For example, although "black tie" may refer to a tie that is black in color, it is commonly understood as referring to semi-formal clothing or an "occasion when a dinner jacket should be worn," regardless of the color of the tie. *See* Exhibit B, definitions of "black tie" by Free Merriam-Webster Dictionary and The Free Dictionary, respectively, attached hereto. *See*, U.S. Registration No. 3,755,442 for the mark BLACK TIE, which is registered in connection with various elegant crystal bowls in various colors, including the color black, attached hereto in collective Exhibit L and referenced below.

Similarly, various product manufacturers and service providers have been utilizing the term BLACK to create an image of a good or service that prospective purchasers will associate with elegance, luxury, premium quality and/or exclusivity, regardless of the actual color of such product or product ancillary to such service. For example:

- Luxury automaker Mercedes-Benz markets its sophisticated high-performance AMG model cars as the "AMG Black Series." *See* Exhibit C, a computer screenshot from the Mercedes-Benz website showing the AMG Black Series model offered in silver, attached hereto.
- Premium automaker Infiniti has been reported as offering a limited run of the Infiniti EX Black Premium Edition vehicle in Europe only. *See* Exhibit D, article from Luxist website, attached hereto.
- Card-carrying members of the Visa-branded "Black Card" credit card receive prestigious benefits such as Limited Membership, 24-Hour Concierge Service, Exclusive Rewards Program, VIP Airport Lounge Access, Luxury Gifts, and a Patent Pending



Carbon Card for a sizable annual fee of \$495. *See* Exhibit E, a computer screenshot of the homepage for the Visa-branded “Black Card,” attached hereto.

- Mattress maker Simmons offers a luxury line of mattresses called the Beautyrest Black Collection. Simmons advertises these mattresses as “the ultimate in comfort” for those “who simply seek the best, every night.” *See* Exhibit F, computer screenshots of selected pages from the Beautyrest Black website, attached hereto.

- Online retailer BLACK.CO.UK ([www.black.co.uk](http://www.black.co.uk)) calls itself “The home of luxury accessories and gifts.” They sell fine quality home and personal goods, which are sold at a higher price point. *See* Exhibit G, computer screenshots of selected pages from BLACK.CO.UK website, attached hereto.

In all of the above examples, the term BLACK has been used to create a notion of premium quality and/or elegance. Indeed, in the article reported on [www.luxist.com](http://www.luxist.com), “a web site dedicated to covering the best the world has to offer on a variety of luxury and fine living topics” (*see* Exhibit H, attached hereto), the reporter asks the question: “Is black the new gold?” *See* Exhibit D. The BLACK CARD by Visa, akin to the GOLD CARD by American Express, is for the discerning purchasers “who demand only the best of what life has to offer.” *See* Exhibit E. Likewise, Chipotle Mexican Grill’s “golden gift card” promotion utilizes the colors gold and black as a measure or standard of high quality. In-store displays show a gold gift card and the words “Gold is the New Black.” By inference, the meaning of “black” is high quality. Indeed, Chipotle’s website states “We have spent the last 18 years sourcing and meticulously preparing the finest, most sustainable ingredients we can find. They’re as good as gold. And we think that deserves a bit of celebration.” *See* collective Exhibit I, computer screenshots of selected pages from Chipotle Mexican Grill’s website and a photograph of an in-store display taken on or about April 12, 2011, by Applicant’s counsel. Clearly, marketing the term BLACK in association with goods and services to consumers is equated with marketing elegance, prestige and/or high quality.

Accordingly, as seen from these advertisements, consumers in the marketplace do not associate color with the term BLACK, but rather, perceive the term BLACK in association with a product or services as a metaphor for upscale quality, prestige or elegance. For example, the Visa Black Card immediately evokes an association with high socio-economic status, superfluity and exclusivity. The AMG Black Series conjures an image of driving a powerful vehicle at an accelerated speed and hugging mountain roads in comfort, confidence and style. Products sold by BLACK.CO.UK are luxury items made of high-quality materials. The actual color of the products and services above – the credit card, automobile, personal clothing or home goods - is inconsequential or ancillary to the ideas conjured by the term BLACK. This is contrary to the Office’s argument that “consumers are likely to view the

BLACK SERIES not as a source of the goods, but merely as a phrase describing them.” (Office Action, p. 3)

Here, Applicant selected this Mark to create an image of elegance and sophistication for its electric massage appliances. Applicant utilizes the Mark to distinguish its elegantly designed premium quality massagers from other massagers that are sold at a lower price point. *See, e.g.*, collective Exhibit J, computer screenshots of selected pages from Amazon.com showing Applicant’s hand-held massager and competitor’s hand-held massagers. Given the upscale nature of the goods, Applicant markets its massagers toward discriminating consumers who seek high quality massagers. It distributes such goods through retailers and department stores such as Bed Bath & Beyond and JCPenney, where competitive quality massagers are also available for sale. In this context, the term BLACK in the mark THE BLACK SERIES is suggestive of the qualities of luxury, elegance, distinction and style.

Applicant respectfully disputes the Office’s statement that, “The term “BLACK” describes a *significant* feature or characteristic of the goods.” (emphasis added) (Office Action, p. 2) In the present case, in contrast to the Office’s contention, color is not a *significant* feature of Applicant’s electric massage appliances.

Although color may be an attribute of a good, it is not necessarily a “significant” feature of that good. According to the Free Merriam-Webster Dictionary, the term “SIGNIFICANT” means “having or likely to have influence or effect: important <a significant piece of legislation>; also: probably caused by something other than mere chance.” *See* Exhibit K, definition of “significant” by Free Merriam-Webster Dictionary, attached hereto. In the present case, the color black does not “have or likely to have influence or effect” on the use or technology of the product, nor is it “important” to the product’s use or technology, or “caused by something other than mere chance.” Instead, the color black is merely one color in the color wheel, whereas the significant features of the goods are the product’s style and technology. The color of the product does not affect these significant features. Further, the color of the electric massage appliances does not affect the nature of the goods or the relevant purchasing public’s perception of the style or massaging features of the goods. Rather, it is the source identifier, that is, the Mark, as used in association with the goods that denotes the premium quality and elegant style of the goods associated therewith.

To support its contention, Applicant directs the Office’s attention to several registrations that have

issued on the Principal Register for marks incorporating the term BLACK in International Class 21. These registrations did not require a disclaimer of the term BLACK, despite the color of the goods shown in the respective specimens for each application. *See, for example*, collective Exhibit L, U.S. Registration Numbers 2857989, 3755442, 3610879, 3695503, 2968269, and 3023344, and respective specimens. These registrations further demonstrate that color is not necessarily a significant feature of the goods that would require a disclaimer of the term BLACK. For example, U.S. Registration No. 2,857,989 for BLACK DIAMOND clearly shows a black comb as a specimen; U.S. Registration No. 3,755,442 for BLACK TIE shows various crystal bowls, in various colors, including the color black; and U.S. Registration No. 3,610,879 for BLACK GRANITE, which shows various pans, all of which are black in color. Clearly, if the term BLACK in these marks do not require a disclaimer or are not considered descriptive, then the term BLACK in the present Mark should not either as it is merely a substitution of the associated goods and not the use of the term BLACK that differs in each of these marks.

Applicant traverses the Office's dissection of the Mark to support its argument that the Mark is merely descriptive. In determining whether the term BLACK in Applicant's Mark THE BLACK SERIES is suggestive or merely descriptive, the Office must consider the Mark in its entirety. Here, Applicant is combining BLACK with THE and SERIES to market electric massage appliances that are distinguishable as a result of their sleek and elegant design and high quality, thus creating a distinct commercial impression of a higher-end consumer product. THE BLACK SERIES does not immediately convey information about the nature or type of goods offered under the Mark, or the significant qualities of the goods. Rather, the Mark is suggestive of the quality of the goods and, thus, not merely descriptive as the Office argues.

Regarding the term SERIES, the Office states that Applicant's disclaimer of SERIES is a tacit agreement that this wording is descriptive. (Office Action, p. 2) As explained more fully below, Applicant does not agree that the term SERIES is descriptive, and respectfully disputes and traverses the requirement for a disclaimer of the term SERIES. Further, Applicant respectfully withdraws its disclaimer of the term SERIES as it is inappropriate as applied to the identified goods in this application, namely, "Electric massage appliances, namely, hand-held massagers, massage mechanism for chairs, and foot spa massagers."

After the application was filed with the Office, the Examining Attorney telephoned Applicant's

attorney, Jennifer Hamilton, on or about June 30, 2009. During that call, the Examiner stated that the Office was requiring a disclaimer of the term SERIES, that this disclaimer requirement was the only open issue, and that if Applicant accepted the disclaimer the Examiner would pass the application to publication. Ms. Hamilton accepted the disclaimer of the term SERIES based on her understanding that the disclaimer would advance the application and allow the Examiner to close prosecution of the application. Furthermore, Ms. Hamilton understood that the disclaimer requirement for the term SERIES was based on Applicant's related applications for the marks THE BLACK SERIES BY SHIFT3 and THE BLACK SERIES:

- U.S. Reg. No. 3779334 THE BLACK SERIES (slippers in various colors)
- U.S. Serial No. 77713812 THE BLACK SERIES (organizers in black with silver accents)
- U.S. Serial No. 77713815 THE BLACK SERIES (soap dispensers - black with clear soap container)
- U.S. Serial No. 77713823 THE BLACK SERIES BY SHIFT3 (garment steamer in white)
- U.S. Serial No. 77713829 THE BLACK SERIES BY SHIFT3 (soap dispensers - black with clear soap container)
- U.S. Serial No. 85057318 THE BLACK SERIES (table top games - only partially black)
- U.S. Serial No. 77713796 THE BLACK SERIES (garment steamer in white)

*See* Declaration of Jennifer Hamilton, attached hereto as Exhibit M.

The file history supports this understanding as the application was approved for publication on June 30, 2009, the same day as Ms. Hamilton's conversation with the Examining Attorney and the Examiner's Amendment was entered.

The application was later published and a Notice of Allowance was issued. Applicant then filed a Statement of Use and supporting specimen with the Office. Subsequently, on April 23, 2010, the Office issued an Office Action stating that "Registration is refused because the applied-for mark, THE BLACK SERIES for "Electric massage appliances, namely, hand-held massagers, massage mechanism for chairs, and foot spa massagers" merely describes a feature or characteristic of applicant's goods. (Office Action of April 23, 2010, pp. 1-2)

In response to the Office Action of April 23, 2010, Applicant requested that the refusal under Section 2(e) be withdrawn. In light of Applicant's understanding of the Office's reasoning for requiring a disclaimer of the term SERIES (*i.e.*, the applications for the marks THE BLACK SERIES BY SHIFT3 and THE BLACK SERIES as a whole are allegedly descriptive of a series of products),

Applicant argued that the products under all the related applications must be considered as a whole in determining whether the term BLACK is descriptive. Since such products come in various colors and no particular feature of the related goods is black in color, Applicant argued the word BLACK is not descriptive of the goods.

Such logic was rejected in the Office Action dated November 17, 2010. In response to Applicant's argument that "the Examiner must consider this application in the context of Applicant's related registration and applications for products under the same mark," the Office stated that this statement is inaccurate, and that "the determination of whether a mark is merely descriptive is considered in relation to the identified goods, not in the abstract." Office Action, p. 2.

Applicant does not dispute that the determination of whether wording is merely descriptive must be considered in relation to the identified goods and not in the abstract. Indeed, looking at the goods in the related applications under the identical mark THE BLACK SERIES is not looking in the abstract, especially considering the various goods could have been filed in a single application. Applicant chose not to file one application for all the goods because the dates of first use varied. If all goods in various colors are viewed together under the term THE BLACK SERIES within a single application, it is clear that not all products are black and some products are not even available in black; thus, one cannot reasonably find a series of black products.

The term SERIES is defined as "a number of things or events of the same class coming one after another in spatial or temporal succession." See Exhibit N, definition of "series" by Free Merriam-Webster Dictionary, attached hereto. Thus, items in a 'series' are defined as "a number of things ...coming one after another in ...temporal succession." For example, car companies identify various groups of cars as a series, *e.g.*, the BMW 5 Series, which includes the 528i, 535i, 535i xDrive, 550i, and 550i xDrive. These five distinct model numbers create the series and are intentionally grouped in a single class, namely, the 5 Series. See Exhibit O, screen shot from the BMW-USA website, attached hereto. That is not the case in the present application. Here, the application merely identifies "Electric massage appliances, namely, hand-held massagers, massage mechanism for chairs, and foot spa massagers" as the goods. Nothing in the application suggests or implies that this general identification of goods comprise a group of items that would constitute a series, nor suggest or imply any specific succession in product release. They are simply electric massage appliances. Selling an identified type of item in association with the same trademark does not transform those items into a series of products.

Respectfully, Applicant contends that the rejection is baseless and is not supported by anything found in the application or record. Accordingly, Applicant respectfully requests the Office withdraw its refusal or provide a basis upon which the Office supports its refusal.

In addition to the arguments set forth above, another factor that may be considered in determining whether a mark is merely descriptive is whether Applicant's use of the mark will inhibit competition by depriving competitors of the use of common language needed to describe the goods. *In re Reynolds Metals Co.*, 480 F.2d at 904; *Minnesota Mining & Mfg. Co. v. Johnson & Johnson*, 454 F.2d 1179, 1180, 172 USPQ 491 (CCPA 1972). Here, Applicant's competitors do not need to use the term THE BLACK SERIES, BLACK or SERIES to describe massage appliances. Accordingly, the Office should find that the Mark is suggestive rather than merely descriptive.

Finally, the Applicant notes the Office's comment, " a mark that identifies a group of users to whom an applicant directs its goods and/or services is also merely descriptive" (Office Action, page 2).

Respectfully, the Applicant does not understand the comment. To the extent that the Office believes these goods are directed to specific users, the Applicant is unclear as to the basis for this assertion and contends that the goods associated with the Mark are not directed to any specific group of users. More specifically, the Applicant contends that the goods associated with the Mark are not directed to people of dark pigmented skin, such as, African Americans. If the Applicant has misunderstood the Office's intended meaning of this statement, the Applicant respectfully requests clarification of the statement from the Office.

For all the reasons set forth above, the Applicant contends that the term BLACK is not descriptive of the goods, nor is the Mark as a whole descriptive. To the extent that there is reasonable doubt whether a term is descriptive or suggestive, such doubt is resolved in favor of the applicant. *In re Merrill Lynch, Pierce, Fenner, and Smith, Inc.*, 828 F.2d at 1571. In this instance, a reasonable person could conclude that the Mark is suggestive. As such, Applicant is entitled to have the matter resolved in Applicant's favor.

Based on the foregoing, it is respectfully submitted that THE BLACK SERIES is suggestive and not merely descriptive. Accordingly, Applicant requests that the refusal to register based on descriptiveness and the disclaimer requirement of the term SERIES be withdrawn, and that the pending application be allowed and passed to publication.

### C. NOTICE OF APPEAL AND ALTERNATIVE POSITIONS

If the Office maintains its position that the Mark THE BLACK SERIES or portions thereof (i.e., the term BLACK or the term SERIES) is merely descriptive, then the Applicant hereby appeals such decision to the Trademark Trial and Appeal Board ("Board") pursuant to the Notice of Appeal that is being filed concurrently with this request for reconsideration.

Notwithstanding the foregoing, Applicant takes the following alternative positions in order to maintain Applicant's rights and also continue prosecution of this application: (i) if on appeal the Board determines the term BLACK is merely descriptive, in the alternative, Applicant disclaims the term BLACK; (ii) if on appeal the Board determines the term SERIES is merely descriptive, in the alternative, Applicant disclaims the term SERIES; (iii) if on appeal the Board determines that either the term BLACK SERIES or THE BLACK SERIES is merely descriptive, in the alternative, Applicant amends the application to seek registration for THE BLACK SERIES on the Supplemental Register.

### EVIDENCE SECTION

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**CORRESPONDENCE SECTION**

<b>ORIGINAL ADDRESS</b>	JENNIFER H. HAMILTON THE ECLIPSE GROUP LLP 10605 BALBOA BLVD STE 300 GRANADA HILLS, CA 91344-6347
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**NEW CORRESPONDENCE SECTION**

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<b>AUTHORIZED EMAIL COMMUNICATION</b>	Yes

**SIGNATURE SECTION**

<b>RESPONSE SIGNATURE</b>	/Connie P. Limperis/
<b>SIGNATORY'S NAME</b>	Connie P. Limperis
<b>SIGNATORY'S POSITION</b>	Attorney of record, California bar member
<b>DATE SIGNED</b>	05/17/2011
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES

**FILING INFORMATION SECTION**

<b>SUBMIT DATE</b>	Tue May 17 13:22:47 EDT 2011
	USPTO/RFR-206.214.46.162- 20110517132247854704-7771

TEAS STAMP

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**Request for Reconsideration after Final Action  
To the Commissioner for Trademarks:**

Application serial no. **77713799** has been amended as follows:

**ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

**REMARKS**

The Trademark Office ("Office") has refused registration on the Principal Register of Applicant's mark THE BLACK SERIES (the "Mark") for "Electric massage appliances, namely, hand-held massagers, massage mechanism for chairs, and foot spa massagers," stating that the Mark "merely describes a feature or characteristic of applicant's goods." (Office Action of November 17, 2010 ("Office Action"), page 2)

The Office states that the goods "are black in color, thus the term 'BLACK' describes a significant feature or characteristic of the goods." *Id.* In addition, the Office states that Applicant's "submission of a disclaimer of the term 'SERIES' is a tacit agreement that this wording is descriptive, [thus] the entire mark, 'THE BLACK SERIES,' describes a feature or characteristic of applicant's goods." *Id.* For the reasons set forth below, Applicant respectfully disagrees and traverses this rejection.

**A. APPLICABLE LAW**

A mark is considered to be merely descriptive only if the mark immediately conveys information concerning a function, quality, ingredient, characteristic, purpose, or use of the specified good or service. Trademark Manual of Examining Procedure (TMEP) § 1209.01(b); *In re Gyulay*, 820 F.2d 1216, 1217 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 588 F.2d 811, 813, 200 USPQ 215 (C.C.P.A. 1978). However, if one must "follow a multi-stage reasoning process to determine what product or service characteristics the term indicates, the term is suggestive rather than merely descriptive." *In re Tennis in the Round, Inc.*, 199 USPQ 496, 497 (TTAB 1978) (TENNIS IN THE ROUND held not descriptive of

tennis facilities). *See also In re Shutts*, 217 USPQ 363, 364-365 (TTAB 1983); *In re Universal Water Systems, Inc.*, 209 USPQ 165, 166 (TTAB 1980). “Thus, a suggestive term differs from a descriptive term, which immediately tells something about the goods or services.” TMEP 1209.01(a) (citing *In re George Weston Ltd.*, 228 USPQ 57 (TTAB 1985) (SPEEDI BAKE for frozen dough found to fall within the category of suggestive marks because it only vaguely suggests a desirable characteristic of frozen dough, namely, that it quickly and easily may be baked into bread); *In re The Noble Co.*, 225 USPQ 749 (TTAB 1985) (NOBURST for liquid antifreeze and rust inhibitor for hot-water-heating systems found to suggest a desired result of using the product rather than immediately informing the purchasing public of a characteristic, feature, function, or attribute); *In re Pennwalt Corp.*, 173 USPQ 317 (TTAB 1972) (DRI-FOOT held suggestive of antiperspirant deodorant for feet in part because, in the singular, it is not the usual or normal manner in which the purpose of an antiperspirant and deodorant for the feet would be described)).

Whether a mark is merely descriptive or suggestive is a question of fact as determined by the perception of the relevant purchasing public. *In re Bed & Breakfast Registry*, 791 F.2d 157, 160, 229 USPQ2d 818, 819 (Fed. Cir. 1986). This determination should not be made in the abstract. Rather, it should be made in relation to the goods or services for which registration is sought, “the context in which the mark is used or intended to be used in connection with those goods/services, and the possible significance that the mark would have to the average purchaser of the goods or services in the marketplace.” TMEP §1209.01(b). *See, e.g., In re Omaha Nat’l Corp.*, 819 F.2d 1117, 119, 2 USPQ2d 1859 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 588 F.2d 811, 814, 200 USPQ 215 (C.C.P.A. 1978); *In re Venture Lending Associates*, 226 USPQ 285 (TTAB 1985). The issue is whether a prospective purchaser who knows the goods or services will understand the mark to convey information about such goods or services. *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1316-1317 (TTAB 2002); *In re Patent & Trademark Services Inc.*, 49 USPQ2d 1537, 1539 (TTAB 1998); *In re Home Builders Association of Greenville*, 18 USPQ2d 1313, 1317 (TTAB 1990); *In re American Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

Moreover, in determining whether a mark is merely descriptive, the mark must be considered in its entirety. Although common words may be descriptive when standing alone, combining them may evoke a new and unique commercial impression. TMEP § 1209.03(d). *See, e.g., In re Tower Tech.*, 64 USPQ2d at 1317-1318; *Concurrent Technologies Inc. v. Concurrent Technologies Corp.*, 12 USPQ2d 1054, 1057

(TTAB 1989).

Finally, to the extent that there is any doubt in determining whether a mark is suggestive or merely descriptive, such doubt must be resolved in Applicant's favor. *In re Merrill Lynch, Pierce, Fenner, and Smith, Inc.*, 828 F.2d 1567, 1571, 4 USPQ2d 1141, 1144 (Fed. Cir. 1987); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006).

## **B. DISCUSSION**

As stated above, the Office states that the goods "are black in color, thus the term 'BLACK' describes a significant feature or characteristic of the goods." Office Action, p. 2. At most, the term BLACK is suggestive of the goods, however, in no instance, is it descriptive of the goods. Indeed, the term BLACK is suggestive of the quality of the goods, *i.e.*, elegant design and premium quality.

While the term BLACK is defined as an adjective ("of the color black") ( *see* Exhibit A, definition of "black" by Free Merriam-Webster Dictionary, attached hereto) that may be used to describe things that are black in color, BLACK also has several connotations that are unrelated to color. For example, although "black tie" may refer to a tie that is black in color, it is commonly understood as referring to semi-formal clothing or an "occasion when a dinner jacket should be worn," regardless of the color of the tie. *See* Exhibit B, definitions of "black tie" by Free Merriam-Webster Dictionary and The Free Dictionary, respectively, attached hereto. *See*, U.S. Registration No. 3,755,442 for the mark BLACK TIE, which is registered in connection with various elegant crystal bowls in various colors, including the color black, attached hereto in collective Exhibit L and referenced below.

Similarly, various product manufacturers and service providers have been utilizing the term BLACK to create an image of a good or service that prospective purchasers will associate with elegance, luxury, premium quality and/or exclusivity, regardless of the actual color of such product or product ancillary to such service. For example:

- Luxury automaker Mercedes-Benz markets its sophisticated high-performance AMG model cars as the "AMG Black Series." *See* Exhibit C, a computer screenshot from the Mercedes-Benz website showing the AMG Black Series model offered in silver, attached hereto.
- Premium automaker Infiniti has been reported as offering a limited run of the Infiniti EX Black Premium Edition vehicle in Europe only. *See* Exhibit D, article from Luxist website, attached hereto.
- Card-carrying members of the Visa-branded "Black Card" credit card receive prestigious benefits such as Limited Membership, 24-Hour Concierge Service, Exclusive Rewards Program, VIP Airport Lounge Access, Luxury Gifts, and a Patent Pending Carbon Card for a sizable annual fee of \$495. *See* Exhibit E, a computer screenshot of the homepage for the Visa-branded "Black Card," attached hereto.

- Mattress maker Simmons offers a luxury line of mattresses called the Beautyrest Black Collection. Simmons advertises these mattresses as “the ultimate in comfort” for those “who simply seek the best, every night.” *See* Exhibit F, computer screenshots of selected pages from the Beautyrest Black website, attached hereto.
- Online retailer BLACK.CO.UK ([www.black.co.uk](http://www.black.co.uk)) calls itself “The home of luxury accessories and gifts.” They sell fine quality home and personal goods, which are sold at a higher price point. *See* Exhibit G, computer screenshots of selected pages from BLACK.CO.UK website, attached hereto.

In all of the above examples, the term BLACK has been used to create a notion of premium quality and/or elegance. Indeed, in the article reported on [www.luxist.com](http://www.luxist.com), “a web site dedicated to covering the best the world has to offer on a variety of luxury and fine living topics” (*see* Exhibit H, attached hereto), the reporter asks the question: “Is black the new gold?” *See* Exhibit D. The BLACK CARD by Visa, akin to the GOLD CARD by American Express, is for the discerning purchasers “who demand only the best of what life has to offer.” *See* Exhibit E. Likewise, Chipotle Mexican Grill’s “golden gift card” promotion utilizes the colors gold and black as a measure or standard of high quality. In-store displays show a gold gift card and the words “Gold is the New Black.” By inference, the meaning of “black” is high quality. Indeed, Chipotle’s website states “We have spent the last 18 years sourcing and meticulously preparing the finest, most sustainable ingredients we can find. They’re as good as gold. And we think that deserves a bit of celebration.” *See* collective Exhibit I, computer screenshots of selected pages from Chipotle Mexican Grill’s website and a photograph of an in-store display taken on or about April 12, 2011, by Applicant’s counsel. Clearly, marketing the term BLACK in association with goods and services to consumers is equated with marketing elegance, prestige and/or high quality.

Accordingly, as seen from these advertisements, consumers in the marketplace do not associate color with the term BLACK, but rather, perceive the term BLACK in association with a product or services as a metaphor for upscale quality, prestige or elegance. For example, the Visa Black Card immediately evokes an association with high socio-economic status, superfluity and exclusivity. The AMG Black Series conjures an image of driving a powerful vehicle at an accelerated speed and hugging mountain roads in comfort, confidence and style. Products sold by BLACK.CO.UK are luxury items made of high-quality materials. The actual color of the products and services above – the credit card, automobile, personal clothing or home goods – is inconsequential or ancillary to the ideas conjured by the term BLACK. This is contrary to the Office’s argument that “consumers are likely to view the BLACK SERIES not as a source of the goods, but merely as a phrase describing them.” (Office Action, p. 3) Here, Applicant selected this Mark to create an image of elegance and sophistication for its electric



massage appliances. Applicant utilizes the Mark to distinguish its elegantly designed premium quality massagers from other massagers that are sold at a lower price point. *See, e.g.*, collective Exhibit J, computer screenshots of selected pages from Amazon.com showing Applicant's hand-held massager and competitor's hand-held massagers. Given the upscale nature of the goods, Applicant markets its massagers toward discriminating consumers who seek high quality massagers. It distributes such goods through retailers and department stores such as Bed Bath & Beyond and JCPenney, where competitive quality massagers are also available for sale. In this context, the term BLACK in the mark THE BLACK SERIES is suggestive of the qualities of luxury, elegance, distinction and style.

Applicant respectfully disputes the Office's statement that "The term "BLACK" describes a *significant* feature or characteristic of the goods." (emphasis added) (Office Action, p. 2) In the present case, in contrast to the Office's contention, color is not a *significant* feature of Applicant's electric massage appliances.

Although color may be an attribute of a good, it is not necessarily a "significant" feature of that good. According to the Free Merriam-Webster Dictionary, the term "SIGNIFICANT" means "having or likely to have influence or effect: important <a significant piece of legislation>; also: probably caused by something other than mere chance." *See* Exhibit K, definition of "significant" by Free Merriam-Webster Dictionary, attached hereto. In the present case, the color black does not "have or likely to have influence or effect" on the use or technology of the product, nor is it "important" to the product's use or technology, or "caused by something other than mere chance." Instead, the color black is merely one color in the color wheel, whereas the significant features of the goods are the product's style and technology. The color of the product does not affect these significant features. Further, the color of the electric massage appliances does not affect the nature of the goods or the relevant purchasing public's perception of the style or massaging features of the goods. Rather, it is the source identifier, that is, the Mark, as used in association with the goods that denotes the premium quality and elegant style of the goods associated therewith.

To support its contention, Applicant directs the Office's attention to several registrations that have issued on the Principal Register for marks incorporating the term BLACK in International Class 21. These registrations did not require a disclaimer of the term BLACK, despite the color of the goods shown in the respective specimens for each application. *See, for example*, collective Exhibit L, U.S. Registration

Numbers 2857989, 3755442, 3610879, 3695503, 2968269, and 3023344, and respective specimens.

These registrations further demonstrate that color is not necessarily a significant feature of the goods that would require a disclaimer of the term BLACK. For example, U.S. Registration No. 2,857,989 for BLACK DIAMOND clearly shows a black comb as a specimen; U.S. Registration No. 3,755,442 for BLACK TIE shows various crystal bowls, in various colors, including the color black; and U.S. Registration No. 3,610,879 for BLACK GRANITE, which shows various pans, all of which are black in color. Clearly, if the term BLACK in these marks do not require a disclaimer or are not considered descriptive, then the term BLACK in the present Mark should not either as it is merely a substitution of the associated goods and not the use of the term BLACK that differs in each of these marks.

Applicant traverses the Office's dissection of the Mark to support its argument that the Mark is merely descriptive. In determining whether the term BLACK in Applicant's Mark THE BLACK SERIES is suggestive or merely descriptive, the Office must consider the Mark in its entirety. Here, Applicant is combining BLACK with THE and SERIES to market electric massage appliances that are distinguishable as a result of their sleek and elegant design and high quality, thus creating a distinct commercial impression of a higher-end consumer product. THE BLACK SERIES does not immediately convey information about the nature or type of goods offered under the Mark, or the significant qualities of the goods. Rather, the Mark is suggestive of the quality of the goods and, thus, not merely descriptive as the Office argues.

Regarding the term SERIES, the Office states that Applicant's disclaimer of SERIES is a tacit agreement that this wording is descriptive. (Office Action, p. 2) As explained more fully below, Applicant does not agree that the term SERIES is descriptive, and respectfully disputes and traverses the requirement for a disclaimer of the term SERIES. Further, Applicant respectfully withdraws its disclaimer of the term SERIES as it is inappropriate as applied to the identified goods in this application, namely, "Electric massage appliances, namely, hand-held massagers, massage mechanism for chairs, and foot spa massagers."

After the application was filed with the Office, the Examining Attorney telephoned Applicant's attorney, Jennifer Hamilton, on or about June 30, 2009. During that call, the Examiner stated that the Office was requiring a disclaimer of the term SERIES, that this disclaimer requirement was the only open issue, and that if Applicant accepted the disclaimer the Examiner would pass the application to publication. Ms. Hamilton accepted the disclaimer of the term SERIES based on her understanding that the disclaimer

would advance the application and allow the Examiner to close prosecution of the application.

Furthermore, Ms. Hamilton understood that the disclaimer requirement for the term SERIES was based on Applicant's related applications for the marks THE BLACK SERIES BY SHIFT3 and THE BLACK SERIES:

- U.S. Reg. No. 3779334 THE BLACK SERIES (slippers in various colors)
- U.S. Serial No. 77713812 THE BLACK SERIES (organizers in black with silver accents)
- U.S. Serial No. 77713815 THE BLACK SERIES (soap dispensers - black with clear soap container)
- U.S. Serial No. 77713823 THE BLACK SERIES BY SHIFT3 (garment steamer in white)
- U.S. Serial No. 77713829 THE BLACK SERIES BY SHIFT3 (soap dispensers - black with clear soap container)
- U.S. Serial No. 85057318 THE BLACK SERIES (table top games - only partially black)
- U.S. Serial No. 77713796 THE BLACK SERIES (garment steamer in white)

See Declaration of Jennifer Hamilton, attached hereto as Exhibit M.

The file history supports this understanding as the application was approved for publication on June 30, 2009, the same day as Ms. Hamilton's conversation with the Examining Attorney and the Examiner's Amendment was entered.

The application was later published and a Notice of Allowance was issued. Applicant then filed a Statement of Use and supporting specimen with the Office. Subsequently, on April 23, 2010, the Office issued an Office Action stating that "Registration is refused because the applied-for mark, THE BLACK SERIES for "Electric massage appliances, namely, hand-held massagers, massage mechanism for chairs, and foot spa massagers" merely describes a feature or characteristic of applicant's goods. (Office Action of April 23, 2010, pp. 1-2)

In response to the Office Action of April 23, 2010, Applicant requested that the refusal under Section 2(e) be withdrawn. In light of Applicant's understanding of the Office's reasoning for requiring a disclaimer of the term SERIES (*i.e.*, the applications for the marks THE BLACK SERIES BY SHIFT3 and THE BLACK SERIES as a whole are allegedly descriptive of a series of products), Applicant argued that the products under all the related applications must be considered as a whole in determining whether the term BLACK is descriptive. Since such products come in various colors and no particular feature of the related goods is black in color, Applicant argued the word BLACK is not descriptive of the goods.

Such logic was rejected in the Office Action dated November 17, 2010. In response to Applicant's

argument that “the Examiner must consider this application in the context of Applicant’s related registration and applications for products under the same mark,” the Office stated that this statement is inaccurate, and that “the determination of whether a mark is merely descriptive is considered in relation to the identified goods, not in the abstract.” Office Action, p. 2.

Applicant does not dispute that the determination of whether wording is merely descriptive must be considered in relation to the identified goods and not in the abstract. Indeed, looking at the goods in the related applications under the identical mark THE BLACK SERIES is not looking in the abstract, especially considering the various goods could have been filed in a single application. Applicant chose not to file one application for all the goods because the dates of first use varied. If all goods in various colors are viewed together under the term THE BLACK SERIES within a single application, it is clear that not all products are black and some products are not even available in black; thus, one cannot reasonably find a series of black products.

The term SERIES is defined as “a number of things or events of the same class coming one after another in spatial or temporal succession.” See Exhibit N, definition of “series” by Free Merriam-Webster Dictionary, attached hereto. Thus, items in a ‘series’ are defined as “a number of things ...coming one after another in ...temporal succession.” For example, car companies identify various groups of cars as a series, *e.g.*, the BMW 5 Series, which includes the 528i, 535i, 535i xDrive, 550i, and 550i xDrive. These five distinct model numbers create the series and are intentionally grouped in a single class, namely, the 5 Series. See Exhibit O, screen shot from the BMW-USA website, attached hereto. That is not the case in the present application. Here, the application merely identifies “Electric massage appliances, namely, hand-held massagers, massage mechanism for chairs, and foot spa massagers” as the goods. Nothing in the application suggests or implies that this general identification of goods comprise a group of items that would constitute a series, nor suggest or imply any specific succession in product release. They are simply electric massage appliances. Selling an identified type of item in association with the same trademark does not transform those items into a series of products. Respectfully, Applicant contends that the rejection is baseless and is not supported by anything found in the application or record. Accordingly, Applicant respectfully requests the Office withdraw its refusal or provide a basis upon which the Office supports its refusal.

In addition to the arguments set forth above, another factor that may be considered in determining whether a mark is merely descriptive is whether Applicant’s use of the mark will inhibit competition by depriving

competitors of the use of common language needed to describe the goods. *In re Reynolds Metals Co.*, 480 F.2d at 904; *Minnesota Mining & Mfg. Co. v. Johnson & Johnson*, 454 F.2d 1179, 1180, 172 USPQ 491 (CCPA 1972). Here, Applicant's competitors do not need to use the term THE BLACK SERIES, BLACK or SERIES to describe massage appliances. Accordingly, the Office should find that the Mark is suggestive rather than merely descriptive.

Finally, the Applicant notes the Office's comment, " a mark that identifies a group of users to whom an applicant directs its goods and/or services is also merely descriptive" (Office Action, page 2).

Respectfully, the Applicant does not understand the comment. To the extent that the Office believes these goods are directed to specific users, the Applicant is unclear as to the basis for this assertion and contends that the goods associated with the Mark are not directed to any specific group of users. More specifically, the Applicant contends that the goods associated with the Mark are not directed to people of dark pigmented skin, such as, African Americans. If the Applicant has misunderstood the Office's intended meaning of this statement, the Applicant respectfully requests clarification of the statement from the Office.

For all the reasons set forth above, the Applicant contends that the term BLACK is not descriptive of the goods, nor is the Mark as a whole descriptive. To the extent that there is reasonable doubt whether a term is descriptive or suggestive, such doubt is resolved in favor of the applicant. *In re Merrill Lynch, Pierce, Fenner, and Smith, Inc.*, 828 F.2d at 1571. In this instance, a reasonable person could conclude that the Mark is suggestive. As such, Applicant is entitled to have the matter resolved in Applicant's favor.

Based on the foregoing, it is respectfully submitted that THE BLACK SERIES is suggestive and not merely descriptive. Accordingly, Applicant requests that the refusal to register based on descriptiveness and the disclaimer requirement of the term SERIES be withdrawn, and that the pending application be allowed and passed to publication.

### **C. NOTICE OF APPEAL AND ALTERNATIVE POSITIONS**

If the Office maintains its position that the Mark THE BLACK SERIES or portions thereof (i.e., the term BLACK or the term SERIES) is merely descriptive, then the Applicant hereby appeals such decision to the Trademark Trial and Appeal Board ("Board") pursuant to the Notice of Appeal that is being filed concurrently with this request for reconsideration.

Notwithstanding the foregoing, Applicant takes the following alternative positions in order to maintain

Applicant's rights and also continue prosecution of this application: (i) if on appeal the Board determines the term BLACK is merely descriptive, in the alternative, Applicant disclaims the term BLACK; (ii) if on appeal the Board determines the term SERIES is merely descriptive, in the alternative, Applicant disclaims the term SERIES; (iii) if on appeal the Board determines that either the term BLACK SERIES or THE BLACK SERIES is merely descriptive, in the alternative, Applicant amends the application to seek registration for THE BLACK SERIES on the Supplemental Register.

## **EVIDENCE**

Evidence in the nature of exhibits to the argument has been attached.

### **Original PDF file:**

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Evidence-1

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Evidence-1

**CORRESPONDENCE ADDRESS CHANGE**

Applicant proposes to amend the following:

**Current:**

JENNIFER H. HAMILTON  
THE ECLIPSE GROUP LLP  
10605 BALBOA BLVD STE 300  
GRANADA HILLS, CA 91344-6347

**Proposed:**

Jennifer H. Hamilton of The Eclipse Group LLP, having an address of  
6345 Balboa Blvd., Suite 325 Encino, California 91316

United States

TMDocketing@eclipsegrp.com

(818) 488-8141

(818) 332-4205

The attorney docket/reference number is MS09002USITM3.

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /Connie P. Limperis/ Date: 05/17/2011

Signatory's Name: Connie P. Limperis

Signatory's Position: Attorney of record, California bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing

him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: Jennifer H. Hamilton  
The Eclipse Group LLP  
6345 Balboa Blvd., Suite 325  
Encino, California 91316

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## black

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- 1) black (adjective)
- 2) black (noun)
- 3) black (verb)

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**black** *adj* \ˈblak\

### Definition of BLACK

- 1 **a** : of the color black
  - b** (1) : very dark in color <his face was *black* with rage> (2) : having a very deep or low register <a bass with a *black* voice> (3) : HEAVY, SERIOUS <the play was a *black* intrigue>
- 2 **a** : having dark skin, hair, and eyes : SWARTHY <the *black* Irish>
  - b** (1) *often capitalized* : of or relating to any of various population groups having dark pigmentation of the skin <*black* Americans> (2) : of or relating to the African-American people or their culture <*black* literature> <a *black* college> <*black* pride> <*black* studies> (3) : typical or representative of the most readily perceived characteristics of black culture <trying to sound *black*> <tried to play *blacker* jazz>
- 3 : dressed in black
- 4 : DIRTY, SOILED <hands *black* with grime>
- 5 **a** : characterized by the absence of light <a *black* night>
  - b** : reflecting or transmitting little or no light <*black* water>
  - c** : served without milk or cream <*black* coffee>
- 6 **a** : thoroughly sinister or evil : WICKED <a *black* deed>
  - b** : indicative of condemnation or discredit <got a *black* mark for being late>
- 7 : connected with or invoking the supernatural and especially the devil <*black* magic>
- 8 **a** : very sad, gloomy, or calamitous <*black* despair>
  - b** : marked by the occurrence of disaster <*black* Friday>

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: characterized by hostility or angry discontent : SULLEN  
<black resentment filled his heart>

**10** *chiefly British* : subject to boycott by trade-union members as employing or favoring nonunion workers or as operating under conditions considered unfair by the trade union

**11 a** *of propaganda* : conducted so as to appear to originate within an enemy country and designed to weaken enemy morale

**b** : characterized by or connected with the use of black propaganda <black radio>

**12** : characterized by grim, distorted, or grotesque satire  
<black humor>

**13** : of or relating to covert intelligence operations <black government programs>

— **black-ish** *adjective*

— **black-ly** *adverb*

— **black-ness** *noun*

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#### Examples of BLACK

- His hand were *black* with grime.
- <a little *black* dress blends into the night very well>

#### Origin of BLACK

Middle English *blak*, from Old English *blæc*; akin to Old High German *blah* black, and probably to Latin *flagrare* to burn, Greek *phlegain*

First Known Use: before 12th century

#### Related to BLACK

**Synonyms:** ebony, pitch-black, pitch-dark, pitchy, raven, sable

**Antonyms:** white

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#### Rhymes with BLACK

back, Braque, clack, claue, crack, flack, flak, hack, jack, knack, lac, lack, lakh, mac, Mac, pack, plaque, quack, rack, sac, sack, sacqu...

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black tie *noun*

Definition of BLACK TIE

: semiformal clothing <gentlemen in *black tie* for the banquet>

First Known Use of BLACK TIE

1935

Rhymes with BLACK TIE

aby, agley, air-dry, Alai, ally, Aitai, anti, apply, assai,  
awny, aye-aye, Bacchae, Bahai, banzai, barfly, bee fly,  
Belgae, belle, bigeye...  
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1. A black bow tie worn with a tuxedo.
2. Semiformal evening wear typically for men, usually requiring a tuxedo.

**black'-tie'** (blāk'tī') *adj.*

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**black tie***n*

1. (Clothing & Fashion) a black bow tie worn with a dinner jacket
2. (*modifier*) denoting an occasion when a dinner jacket should be worn Compare [white tie](#)

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**Thesaurus**

Legend: | Synonyms | Related Words | Antonyms

**Noun 1. black tie** - semiformal evening dress for men

dinner jacket, tux, tuxedo  
 evening clothes, evening dress, eveningwear,  
 formalwear - attire to wear on formal occasions in the  
 evening

**2. black tie** - a black bow tie worn with a dinner jacket

bow tie, bow-tie, bowtie - a man's tie that ties in a bow

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**References in classic literature**

As a young admirer had once said of him: "If anybody can tell a fellow just when to wear a **black tie** with evening clothes and when not to, it's Larry Lefferts.

*The Age of Innocence* by Wharton, Edith [View in context](#)

He had removed all traces of his journey, and was attired in a Tuxedo dinner coat, a soft-fronted shirt, and a neatly arranged **black tie**.

*The Illustrious Prince* by Oppenheim, E. Phillips [View in context](#)

Bradley Headstone, in his decent black coat and waistcoat, and decent white shirt, and decent formal **black tie**, and decent pantaloons of pepper and salt, with his decent silver watch in his pocket and its decent hair-guard round his neck, looked a thoroughly decent young man of six-and-twenty.

*Our Mutual Friend* by Dickens, Charles [View in context](#)

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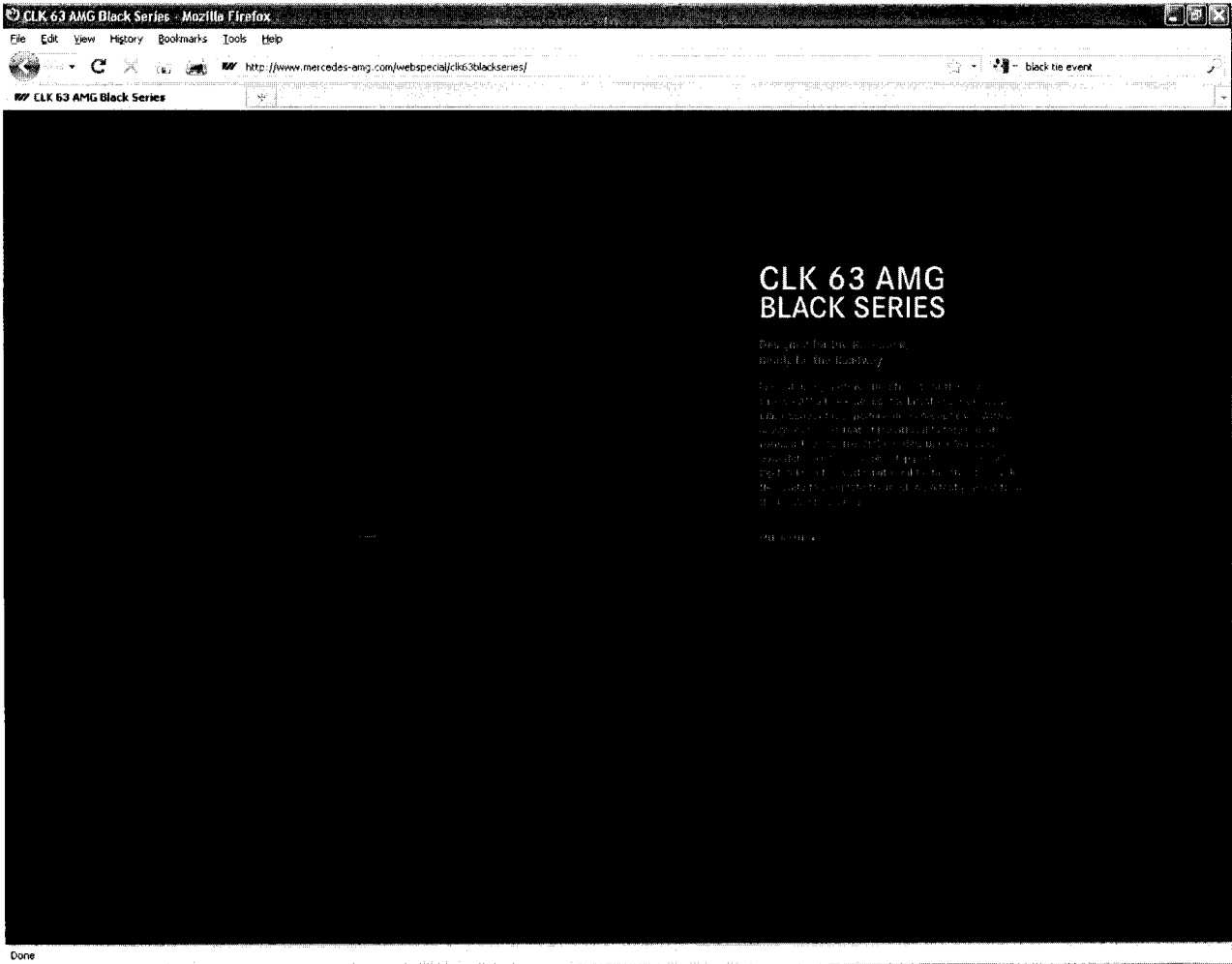
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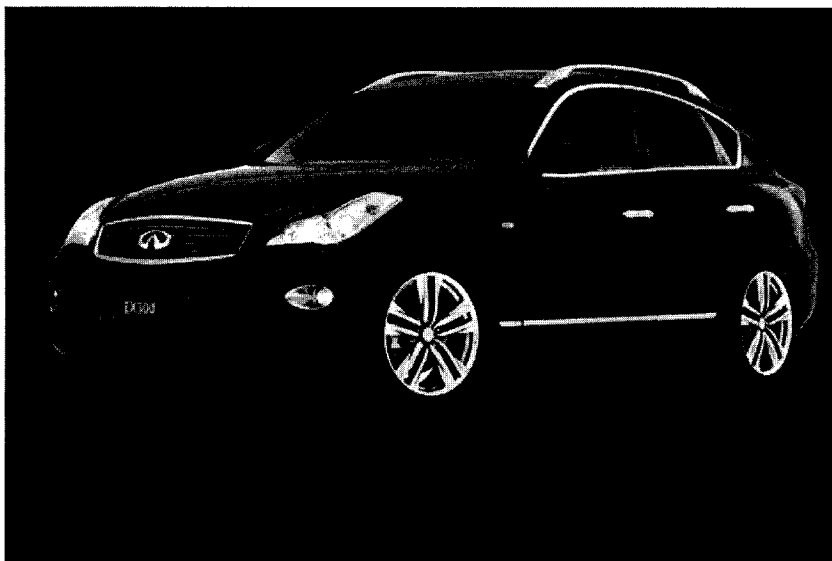
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## Infiniti EX Black Premium Edition

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by [Noah Joseph](#) ([RSS feed](#))

Jan 23rd 2011 at 10:01PM



Is black the new gold? It may very well be if credit cards (like the Visa Black card or Centurion by American Express) are anything to go by. The latest to equate the dark shade with exclusive benefits and the luxury lifestyle is [Infiniti](#) with the new EX Black Premium edition.

Regrettably offered only in Europe, the Black Premium upgrades on the existing E30d GT Premium with such special touches as metallic Malbec black paint, graphite leather interior 19-inch alloys, sunroof, aluminum roof rails and Bose sound system.

The party piece, however, comes through Infiniti's partnership with the ritzy [Relais & Châteaux](#) group of hotels, where buyers of the exclusive luxury crossover vehicle will get a complimentary night for two (including breakfast and dinner) and automatic admission to the exclusive Club 5C for extra benefits. Only 500 examples will be offered, each commanding an approximately \$5k premium over the existing top-end EX.

**Gallery: Infiniti EX30d Black Premium**



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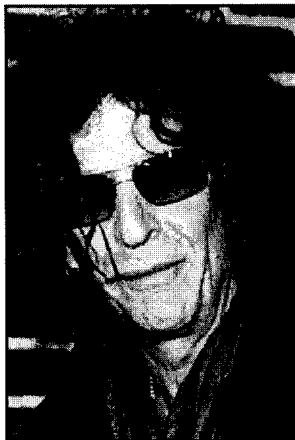
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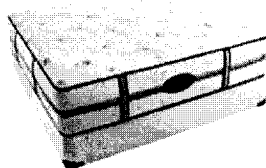


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- Foam Encased Comfort Surround™ system

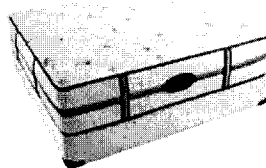
#### Comfort

- Extra Firm Sleep System
- Fine Performance Fabrics
- NxG® Memory Foam
- High Performance Foams
- Circular Knit with Modal Yarn
- Energyfoam™ with Transflexion® Comfort Technology

#### Added Features

- Boxmetal Corner Guards
- 20-year Limited Warranty
- No-Flip Design

### Desiree™



#### Support

- Advanced Pocketed Coil™ springs
- Foam Encased Comfort Surround™ system

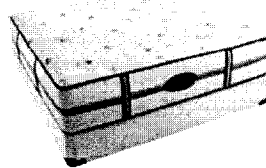
#### Comfort

- Plush/Firm Sleep System
- Fine Performance Fabrics
- NxG® Memory Foam
- High Performance Foams
- Circular Knit with Modal Yarn
- Energyfoam™ with Transflexion® Comfort Technology

#### Added Features

- Boxmetal Corner Guards
- 20-year Limited Warranty
- No-Flip Design

### Carmen™



#### Support

- Advanced Pocketed Coil™ springs
- Foam Encased Comfort Surround™ system

#### Comfort

- Plush/Firm Sleep System
- Fine Performance Fabrics
- NxG® Memory Foam
- Progressive Support Latex
- High Performance Foams
- Circular Knit with Modal Yarn
- Energyfoam™ with Transflexion® Comfort Technology

#### Added Features

- Boxmetal Corner Guards
- 20-year Limited Warranty
- No-Flip Design





## In The News

### Beautyrest Black® continues to define the luxury category with new innovations

(ATLANTA - February 9, 2009) - Simmons Bedding Company announced today the introduction of several exciting new products and technologies. A new performance technology known as Transflexion™ debuted at this week's Las Vegas Furniture Market.

Simmons' market introductions deliver enhanced value across all price points by reinforcing features that symbolize Simmons' exceptional quality and durable attributes that have helped make Simmons a market leader for more than 100 years.

#### Transflexion™ Process Technology: A New Product Performance Standard

The Simmons® Beautyrest Black® line continues its legacy of redefining the luxury category for the bedding industry, with product introductions that feature Advanced Pocketed Coil™ in a new coil unit design. This construction, called the Advanced Pocketed Coil™ spring unit, brings a new range of comfort options to the brand by varying the configuration of the coil for a greater difference in feel between models. The new line also leverages Simmons' patent-pending Transflexion™ process technology. Mark Owen, Simmons' vice president of brand management, believes that the new process will create products with the tolerances and comfort consistency that the industry has ever seen. "The combination of technologies that is in our newest Beautyrest Black® line will take offerings to the next level by having the consistency of feel from floor sample to home delivery," said Owen. "Higher consumer satisfaction means maximize profitability for our dealers."

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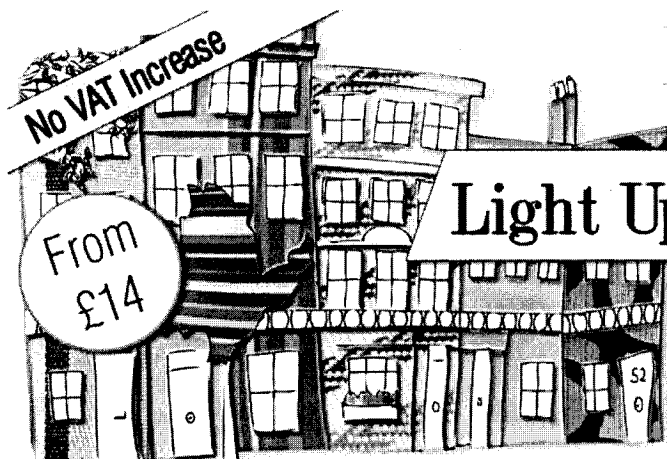
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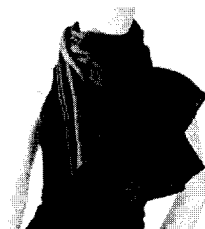
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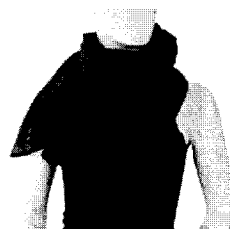
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**W**elcome to Luxist, a web site dedicated to covering the best the world has to offer on a variety of luxury and fine living topics. We feature real estate, trends in travel, the art world, shopping, fashion, gourmet food, wine and the spending habits of the rich and famous.

Our expert columnists and bloggers are at the forefront of their respective fields, providing an insider's guide to fine living. Our goal is to entertain and inform, combining understanding and appreciation with analysis of the top trends in the luxury universe.

The Luxist Awards, our yearly awards program, seeks to discover the best of the best in different categories each month from wine and entertainment to restaurants, spas and much more. Readers nominate and vote for their favorite businesses and products and winners are chosen each month. Our related guide to luxury living helps readers get the most out of life with information on everything from understanding truffles and caviar to how to get the most out of your spa experience.

Luxury is not always about the amount you spend but how well you spend it and how much pleasure and satisfaction it brings you. Let Luxist be your knowledgeable companion to living, and spending, with abundance and joy.

**JAMIE HAMMOND***Editor In Chief*

Jamie Hammond is vice president and editor in chief of AOL Money & Finance's sites including DailyFinance, WalletPop, BloggingStocks, AOL Small Business and Luxist. Jamie has spent most of his career in online financial media, from Silicon Valley startups to Washingtonpost.com where he served as Business & Technology Editor.

**HEATHER GOSMAN***Managing Editor*

Heather Gosman is the managing editor and long-time online content producer with more than 12 years of production experience.

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Deidre Woollard is a Los Angeles-based writer who has spent the past four years obsessed with luxury, celebrity real estate goings-on and the spending habits of the wealthy and writing it all up for Luxist.

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Carrie Coolidge joined AOL specifically to head-up the Luxist Awards. Carrie was a staff writer for 12 years at Forbes magazine, where she was a member of the Billionaire's research team, in addition to covering real estate, personal finance, insurance and marketing, among other areas. Coolidge, who lives in Manhattan, is the author of six books, including "The Closet Entrepreneur".

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Paul Rogers is a freelance journalist whose work has appeared in Sports Illustrated, The Washington Post, The Boston Globe Magazine and BusinessWeek, among other publications. He is a former senior editor of Travel + Leisure Golf and a former staff writer at the The Record of Hackensack, N.J. He's a graduate of Brown University and the Columbia University Graduate School of Journalism.

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Ariston Anderson is a respected writer and editor who covers all things culture: art, film, fashion, finance, music, social causes and more. She is a frequent contributor to AOL, The Huffington Post, and CoolHunting. Her work has also appeared in the Village Voice, USA Today, and on MSN and Yahoo. Ariston is a leading identifier of current cultural trends, and can frequently be seen at New York events covering entertainment stories. Ariston currently lives in Brooklyn, NY. She graduated magna cum laude from Columbia University. (freelance)

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Ann Brenoff is a former writer for the Los Angeles Times and covers real estate news. She was part of the LA Times Pulitzer winning group for coverage of the Northridge Earthquake.

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Alison Stein Wellner is the culinary travel guide for New York Times-owned About.com, and writes a weekly column for Perceptive Travel's blog. She's written for Boston Magazine, Business Traveler, BusinessWeek, The Christian Science Monitor, The Chronicle of Philanthropy, Continental Fast Company, Glamour, Ladies' Home Journal, Men's Journal, Money, Mother Jones, New York Magazine, Psychology Today, Reason, Robb Report, Sierra Magazine, The Street.com, US Air magazine, The Washington Post, World Hum (The Travel Channel), Working Mother, Yankee, Yoga Journal, among many other places. Her story "The Heat Seeker" appeared in Best Women's Travel Writing 2010.

Wellner has been a contributing editor at Inc. magazine and former editor-at-large at American Demographics magazine, a New York Times Professional Fellow and a National Press Foundation Fellow. Her articles have won awards from the American Society of Journalists and Authors and the American Society of Business Press Editors.

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Annie Scott is an award winning writer and expert in travel, luxury and style. She is a daily contributor to the world's top travel blog, [Cindling](#), and [Tonic](#), a positive news network. Her work has been published on [AOL Travel StyleList](#) and all over the internet. Annie has appeared on WCCO TV and most recently on NBC New York's [Backyard Travel](#) as an expert in shopping around the globe. In addition to writing, Annie works as a social media consultant and is the proud winner of a [Shorty Award](#). Her for-fun projects include [Blave Mannequins](#), [@DoWhatITellYou](#) and [The Annie Scott Experience](#).

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Jared Paul Stern has written for the New York Times, the Times' T magazine, the Wall Street Journal, New York magazine, Details, Vogue, WWD, BlackBook, Maxam, Hamptons magazine, Conde Nast's Men Style and the New York Post, among others. His website can be found at [www.jaredpaulstern.com](http://www.jaredpaulstern.com).

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Carrie Nieman Culpepper is an award-winning journalist focused on art, design and travel who's written for The Washington Post, Travel & Leisure, New York, Outside and others. She pens the Tell Us Everything interview column for Luxist and is local content editor for the AOL Real Estate sites RentedSpaces.com and HousingWatch.com. She also maintains her own blog: [culturefox.wordpress.com](http://culturefox.wordpress.com).

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Noah Joseph is a veteran automotive journalist, who comes to Luxist from our sister-site Autoblog. His words have been published in print and online media around the world. Multilingual, a multinational citizen, a military reservist and former public affairs consultant, Noah was born and raised in Montreal and currently lives in the Mediterranean basin.

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Jeremy Korzeniewski is a car journalist, also blogs for Autoblog, does car reviews and car and motorcycle related stories.

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Rigel Celeste is a fulltime freelance writer, blogging on topics including going green, luxury living, health and fitness, and young women's issues. She lives in Sioux City, IA and loves to try new things including recently doing her very first video blog and winning herself a brand new car as part of the online Ford Fiesta Movement. Although she can write on anything (she is a professional, after all) she particularly enjoys covering the bizarre, outlandish, and entertaining. See more about her and what she's up to on her website at [rigelceleste.com](http://rigelceleste.com).

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Lisa Palladino is a New York City-based editor, copyeditor and writer. She has worked at Columbia University since 2001 and previously held editorial positions at a number of New York City and Washington, D.C., metro area-based organizations in the fields of sporting goods retail, military resale, actuarial science and association management. Lisa has been a Luxist blogger since April 2008.

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## MARSHA REID

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### *Blogger*

Marsha Reid is a freelance fashion writer and accessories designer making hand knit scarves and jewelry. She has been writing for Luxist for the past 3 years covering women's clothing and accessories. In addition to her creative work, Marsha holds a Master's Degree in social work and works in Behavioral Health Management.

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## DAVID KILEY

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### *Blogger*

David Kiley is an award winning journalist, having written on the auto industry, food, wine and spirits. Kiley has been a senior correspondent for BusinessWeek and Detroit Bureau Chief for USA Today. He is often called upon by CNBC, CNN, Fox and NPR for his analysis of the auto industry and consumer marketing issues and stories. Kiley is also the author of two books, "Getting The Bugs Out: The Rise, Fall and Comeback of Volkswagen in America" [John Wiley & Sons 2001]; and "Driven: Inside BMW, The Most Admired Car Company in the World [John Wiley & Sons, 2004]. A longtime resident of Ann Arbor, MI, Kiley is now a correspondent for AOL Autos, Popular Mechanics and Luxist.com

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**ARIEL ADAMS**[View all Articles »](#)*Blogger*

Ariel Adams is a leading voice on the luxury watch industry and discusses new products as well as compelling timepiece industry news. Ariel holds the rank of the most well-read watch writer online, publishing the watch site aBlogtoRead.com, as well as offerings his insights at other important websites such as Luxist. Educated as an attorney, Ariel now indulges only in his passion for watches, luxury, and tech toys.

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Jeffrey Slonim is a Special Correspondent for Allure magazine. He has written for Architectural Digest, Vogue, Italian Vogue, and L'Uomo Vogue and has had columns in Art Forum, Elle Decor, Gotham, Hamptons, Interview, the New York Daily News, Newsday, and the New York Post.

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2	<a href="#">Jared Paul Stern</a>	67	0
3	<a href="#">Noah Joseph</a>	49	0
4	<a href="#">Ariel Adams</a>	47	0
5	<a href="#">Rigel Celeste</a>	35	0
6	<a href="#">David Kiley</a>	26	0
7	<a href="#">Carrie Coolidge</a>	24	0
8	<a href="#">Susan Kime</a>	12	0
9	<a href="#">Marsha Reid</a>	12	0
10	<a href="#">Jeffrey Slonim</a>	9	0
11	<a href="#">Bobbie Leigh</a>	7	0
12	<a href="#">Ariston Anderson</a>	5	0
13	<a href="#">Jonathon Ramsey</a>	4	0
14	<a href="#">Kristin Young</a>	4	0
15	<a href="#">McLean Robbins</a>	4	0
16	<a href="#">Annie Scott</a>	4	0
17	<a href="#">Ann Brenoff</a>	3	0
18	<a href="#">Tom Johansmeyer</a>	2	0
19	<a href="#">Michael B. Dougherty</a>	2	0
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WEEKLY PRIZE  
24K GOLD

GRAND PRIZE  
\$10K CASH

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Our ingredients are worthy of being wrapped in gold and we're sure you've got something of your own that you feel is worthy too. So Wrap What You Love and share it with everyone for a chance to win.



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Bull-rito anyone?

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**THE CONTEST   THE PRIZES   THE CAUSE**  
**WHY GOLD?**

**1. Find an object that you love.**

It can be anything - a baseball, your car, your entire living room even! Let your imagination run wild.

**2. Wrap it in foil.**

Don't worry, you can use silver foil! We know gold foil is hard to find. For now, just focus on doing an awesome wrapping job. Detail counts!

**3. Take a photo and upload it.**

Enter your picture for a chance to win a ton of prizes including 24K Gold and \$10K Cash.

**4. Goldify.**

Turn your silver foil into gold. using the Goldify option during the submission process.

**5. Share and promote your entry.**

Get your neighbors, loved ones, co-workers and internet buddies to give you some love.

**6. Impress Chipotle with your creation.**

Chipotle will award one awesome entry each week with 24K Gold - Chipotle's Choice Prize.

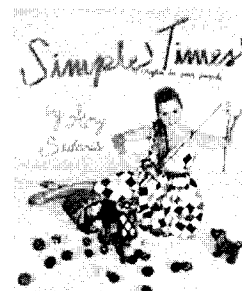
**7. "Love" your favorite entries.**

Watch Amy show you how to wrap what yc



Watch Tutorial #2: Goldify Your Grill

Watch Tutorial #3: Goldiful Flower Arranging



One person will win a participation prize each week just for voting - Participation Prize.

Official Contest Rules

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### **\$10K CASH GRAND PRIZE**

**WHAT IS IT?**

\$10,000 cold hard cash. Pure and simple. Ok well maybe it's a check, and it might be soft and warm, but hey still ten grand.

**HOW DO I WIN?**

Chipotle will choose 10 finalists when the submission period ends on May 8, 2011. The community will vote on the finalists to determine the grand prize winner.

### **24K GOLD WEEKLY CHIPOTLE'S CHOICE PRIZE**

**WHAT IS IT?**

A collectible 24K gold Chipotle coin.

That is, 1.4 ounces of solid 24K gold. It was valued at \$2000 when we started this contest - it could be ever now (or less) depending.

**HOW DO I WIN?**

How else? Wrap something we think is sweet. Lots of votes help too. So does a clever description about why we love it. Every week we'll pick the best.

### **WEEKLY PEOPLE'S CHOICE PRIZE**

**WHAT IS IT?**

1.4 ounces of goldified FREE Burrito Cards - that is, wrapped in gold foil - and redeemable for a dozen meals at any Chipotle restaurant.

**HOW DO I WIN?**

Lots and lots of "Loves." Get people to vote for your entry and if you have the most that week, you win.

### **WEEKLY PARTICIPATION PRIZE**

**WHAT IS IT?**

A FREE Burrito Card. Think of it as a key to the Lost City of Gold, only the city is a restaurant and instead of treasure you get a free, delicious meal.

**HOW DO I WIN?**

All you have to do is register and vote for at least one entry (by clicking the "Love This" button) and you'll be entered into a random drawing to win the participation prize.

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Chipotle Mexican Grill is partnering with the non-profit organization FamilyFarmed.org to support its efforts to create new markets for sustainable farmers. For the past few years, FamilyFarmed.org has worked with Chipotle to source ingredients that match the **Food With Integrity** mission - ingredients that are raised with

respect for the animals, the environment and the farmers.

the scope of the FamilyFarmed EXPO, a leading trade show and conference for local food farmers and artisan food producers.

DONATION TOTAL:  
**\$49,070**

[FamilyFarmed.org](http://FamilyFarmed.org)

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We have spent the last 18 years sourcing and meticulously preparing the finest, most sustainable ingredient we can find. They're as good as gold. And we think that deserves a bit of celebration.

For a limited time, we are wrapping our burritos in gold foil. But our commitment to serving Food With Integrity will simply never end. It's not a marketing slogan or "Hurry, act now" promotion - it's who we are at Chipotle. And it's here for an unlimited time only.

[Learn More About Food With Integrity](#)

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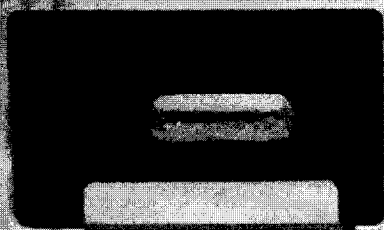
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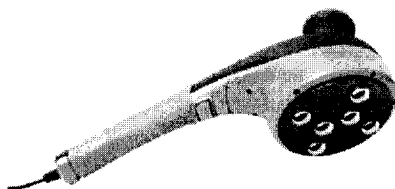
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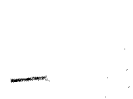
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Homedics NMS-350A Shiatsu Neck Massager with Vibratio... by HoMedics

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**\$29.99**

### Product Features

- Optional heat therapy
- Ergo- dynamic handle with rubberized grip
- 6 spherical massage nodes slowly rotate to relieve stress and fatigue
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- Twin rotating heads slowly turn for an invigorating shiatsu foot massage

### Product Description

#### Product Description

The power of shiatsu massage in the palm of your hand.

### Product Details

**Shipping Weight:** 1 pounds ([View shipping rates and policies](#))

**Shipping:** Currently, item can be shipped only within the U.S.

**Shipping Advisory:** This item must be shipped separately from other items in your order. Additional shipping charges will not apply.

**ASIN:** B002AKHHG8

**Item model number:** 1623200

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by [HoMedics](#)

(21 customer reviews)

(6)

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Amazon Prime Free Trial required. Sign up when you check out. [Learn More](#)

### More Buying Choices

Sams Online

\$5.69 + \$4.63 shipping

Target.com/ITC

\$4.99 + \$5.73 shipping

justotc.

\$7.44 + \$4.25 shipping

**9 new** from \$4.99

[Share](#)

### Product Features

- Positively charged energy
- Comfortable hand grip
- Mini size means it can go anywhere you go
- Compact design for ease of use
- Three fun colors

### Special Offers and Product Promotions

- **Shop the Homedics Store:** HoMedics started with one handheld massager nearly 20 years ago and now offers a 360 degree approach for total wellness, with a portfolio of over 250 products that empower consumers to take more control of their health and well-being. [Learn more.](#)

### Customers Viewing This Page May Be Interested in These Sponsored Links (What's this?)

**[Hand Massager Homedics](#)**

Deals on **Hand Massager Homedics**. Top **Massagers** Styles, Low Prices.

[massagers.beso.com](#)

**[Handheld Massager Sale](#)**

Save 20-40% on **Handheld Massagers**. Free S/H on Many if You Order Now!

[www.massager-superstore.com/Handheld](#)

**[China Hand Massager](#)**

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[www.made-in-china.com](#)

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### Frequently Bought Together



**Price For All Three: \$29.93**

These items are shipped from and sold by different sellers. [Show details](#)

- ✓ **This item:** Homedics PM-50 Hand Held Mini Massager with Hand Grip, Battery Operated (Colors May Vary) by HoMedics \$6.99 (\$6.99 / Count)
- ✓ Scalp Massager (Colors May Vary) by Body Back Company \$3.17 (\$1.98 / oz)
- ✓ Wahl 4196-1001 Heat Therapy Heated Therapeutic Massager by Wahl \$19.77 (\$19.77 / Count)

## Customers Who Bought This Item Also Bought

Page 1 of 1



Homedics Octo-Node Mini Massager - Assorted Colors by HoMedics  
(1)  
\$4.99



Scalp Massager (Colors May Vary) by Body Back Company  
(128)  
\$3.17



Homedics NOV-20-9CTM Mini Percussion Massager by HoMedics  
(1)  
\$9.99



Porcupine Massage Ball by Bodyback.com  
(15)  
\$5.99

## Product Description

### Product Description

Homedics PM-50 Hand Held Mini Massager. Hand grip. Battery operated. Display tray. 3 fun colors

## Product Details

**Shipping Weight:** 1.2 pounds ([View shipping rates and policies](#))

**Shipping:** This item is also available for shipping to select countries outside the U.S.

**ASIN:** B00170DB8U

**UPC:** 031262047809 031262033932

**Item model number:** PM-50

**Average Customer Review:** (21 customer reviews)

**Amazon Bestsellers Rank:** #1,003 in Health & Personal Care (See Top 100 in Health & Personal Care)

#6 in [Health & Personal Care](#) > [Health Care](#) > [Massage & Relaxation](#) > [Electric Massagers](#)

Would you like to [give feedback on images](#) or [tell us about a lower price?](#)

## Buy This Product and Related Items



**Homedics PM-50 Hand Held Mini Massager with Hand Grip, Battery Operated (Colors May Vary)**  
**\$6.99**  
(\$6.99 / Count)

### Most Popular

**Massage & Relaxation Products**

**Alternative Medicine Products**

**Special Needs Multi-sensory Toys**



Homedics Octo-Node Mini Massager - Assorted Colors

(1)

~~\$9.99~~ **\$4.99**  
(\$0.52 / oz)

In Stock from [Champion Liquidation](#).



Scalp Massager (Colors May Vary)

(128)

~~\$12.95~~ **\$3.17**  
(\$1.98 / oz)

In Stock from [HealthE Goods Natural Health](#).



Mini Electric Personal Massager

(3)

**\$12.95**

In Stock from [Body Back Company](#).

Page 1 of 2

## Customers Who Viewed This Item Also Viewed

Page 1 of 1



Homedics Octo-Node  
Mini Massager -  
Assorted Colors by  
HoMedics

(1)

\$4.99



Scalp Massager (Colors  
May Vary) by Body Back  
Company

(128)

\$3.17



Homedics  
NOV-20-9CTM Mini  
Percussion Massager by  
HoMedics

(1)

\$9.99



Mini Electric Personal  
Massager by Body Back  
Company

(3)

\$12.95

## Product Ads from External Websites (What's this?)

Sponsored Content

## Looking for "handheld massager" Products?

Other customers suggested these items:



Thumper Massager  
Inc. TMI101 Thumper  
MINI PRO2 Massager

(1) \$189.00

Suggested by 1 customer



Homedics HHP-300  
Extendable Percussion  
Massager

(53) \$26.00

Suggested by 4 customers



Wahl 4120-200  
All-Body Massage  
Powerful Therapeutic  
Massager in Pharmacy  
Box

(132) \$12.49

Suggested by 3 customers



OSTER Stim-U-Lax  
Massager  
(Model:76103-100)

(16) \$73.92

Suggested by 2 customers



Oster Stim-U-Lax  
Professional Massager

(37) \$79.99

Suggested by 2 customers

> [Explore 21 other items related to "handheld massager"](#)

## Tag this product (What's this?)

Think of a tag as a keyword or label you consider is strongly related to this product.

Tags will help all customers organize and find favorite items.

> [Explore product tags](#)

## Search Products Tagged with

## Customer Reviews

21 Reviews

5 star: (7)  
4 star: (5)  
3 star: (0)  
2 star: (3)  
1 star: (6)

**Average Customer Review**  
(21 customer reviews)

Share your thoughts with other customers:

## Most Helpful Customer Reviews

## Most Recent Customer Reviews

### Great stocking stuffer

I got this as a stocking stuffer for my husband. I ended up giving it to my sister instead bc it came in pink. Apparently they send you whatever color is available.

[Read more](#)

9 of 9 people found the following review helpful:

**Got it for my mom as a gift and now I'm getting one,**  
January 16, 2009

By **A. Russell "Atheron"** (Sarasota, fl) - [See all my reviews](#)

This review is from: **Homedics PM-50 Hand Held Mini Massager with Hand Grip, Battery Operated (Colors May Vary) (Health and Beauty)**

I have tried a lot of hand massagers and they have either not worked well, hurt my back or would worsen my back pain. I got this massager as a gift for my mom this past Christmas and she loved it. I ended up trying it and liked it so much that I have ordered one. I would recommend this product if you are looking for something small and easy to use. Works great on my neck and when I have my significant other massage my back with this, he doesn't hurt me.

Help other customers find the most helpful reviews

[Report abuse](#) | [Permalink](#)

Was this review helpful to you?

[Comment](#)

5 of 5 people found the following review helpful:

**fun little massager,** November 22, 2008

By **Renee Aubuchon "reneesarah"** (San Francisco) - [See all my reviews](#)

Someone left one of these in a grocery items row at Target and I started playing with it, massaging my mom's back in the store, then my shoulders and legs. It felt surprisingly good! Like a massage chair, except self-directed and much cheaper! (It was 4.95 at Target.) It's a great little massager, and the batteries can be replaced. My dog, however, hates it. Oh well, can't win 'em all. :-P

Help other customers find the most helpful reviews

[Report abuse](#) | [Permalink](#)

Was this review helpful to you?

[Comment](#)

5 of 6 people found the following review helpful:

**Piece of junk, don't buy it,** June 23, 2009

By **A reader** (New York, NY) - [See all my reviews](#)

Amazon Verified Purchase ([What's this?](#))

This review is from: **Homedics PM-50 Hand Held Mini Massager with Hand Grip, Battery Operated (Colors May Vary) (Health and Beauty)**

I bought this because I liked the Homedics PM-30CTM, which worked surprisingly well. When that one appeared to be discontinued, I bought this model, thinking it was basically the same. Big mistake. This thing really don't work at all -- it vibrates your hand and that's about it. Not only that, whereas the PM-30 emitted just a low hum, this one gives off a jarringly loud buzz which is very unpleasant. Even for a cheap massager, this one is garbage.

Help other customers find the most helpful reviews

[Report abuse](#) | [Permalink](#)

Was this review helpful to you?

[Comment \(1\)](#)

Share your thoughts with other customers:

» [See all 21 customer reviews...](#)

Published 21 hours ago by theKrikorian

**Pequeño, comodo y portable**

Es un masajeador o vibrador normal, ni muy extraordinario ni muy malo,,, algo hace eso si, tiene que tener las baterias bien cargadas

Published 5 days ago by bian

**Great !!!**

Just what I needed !!!

Thank you ! Awesome !!

( if you think this tiny massager will do it all for you, you're stupid. Use your hands and imagination !! )

Published 1 month ago by awesome

**This is a great product at a great price.**

Most massager units vibrate in a lame sort of way from a off balance weight on a small motor. Somehow Homedics transfers that to a hammer action that penetrates into the body... [Read more](#)

Published 1 month ago by J. Rogers

**Excellent product**

I got one of these products from the local shop. Was so happy with it that ordered a couple more from amazon. This product is very good. [Read more](#)

Published 1 month ago by Reviewer009

**Handy Little Gadget**

I really like this little massager for some quick relief of sore muscles. I even use it to energize my face muscles. Works well. For the price, can't be beat.

Published 5 months ago by JesseinSD

**this thing is a joke....:(**

should have known better, piece of junk, it's the size of my fist.

it's a toy and not a massager. [Read more](#)

Published 5 months ago by Zenmaster

**Calms Grandchildren**

My grandchildren love to have me rub their backs with this massager & this calms them. They love to rub my back in return. Great entertainment and really feels good.

Published 8 months ago by evangelinest

**great way to relax**

This little thing is great. It is perfect size for anyone to use. My son recently pulled a muscle in his back and used it everyday- relly helped with the pain. [Read more](#)

Published 8 months ago by H. Burton

**Some don't like it rough.**

Okay, I admit it: I abused this poor little contraption in a desperate, pain-driven attempt to get even a hint of relief for my bone-aching feet. [Read more](#)

Published 10 months ago by Neon Night

Search Customer Reviews

☒ Only search this product's reviews

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## Customer Discussions



#### This product's forum

Discussion	Replies	Latest Post
<input checked="" type="checkbox"/> One Expensive Device	0	Dec 12, 2008

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[Start a new discussion](#)

#### Related forums

Health forum (1023 discussions)

#### Active discussions in related forums

Discussion	Replies	Latest Post
<input checked="" type="checkbox"/> <b>Health forum</b> Where are all the anti-vaccine folks now?	6796	43 seconds ago
<input checked="" type="checkbox"/> <b>Health forum</b> Male circumcision.	7973	3 minutes ago
<input checked="" type="checkbox"/> <b>Health forum</b> How to get mats out of a long haired cat's fur	11	57 minutes ago
<input checked="" type="checkbox"/> <b>Health forum</b> Is a BOOB JOB a good idea for granny?	619	2 hours ago
<input checked="" type="checkbox"/> <b>Health forum</b> why can't skinny people mind their own business?	42	4 hours ago
<input checked="" type="checkbox"/> <b>Health forum</b> Do you use Splenda? Other artificial sweeteners?	2633	4 hours ago
<input checked="" type="checkbox"/> <b>Health forum</b> Eat less and exercise more	39	4 hours ago
<input checked="" type="checkbox"/> <b>Health forum</b> Oil-free, vacuum-style trimmer/clipper?	0	6 hours ago

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[Get a Pain-Free Back: A guide by a Researcher](#)



[Strengthen This Little Known Muscle to End Back Pain: A guide by a Researcher](#)

[Create a guide](#)

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- ▶ Would you like to [give feedback on images](#) or [tell us about a lower price](#)?
- ▶ Is there any other feedback you would like to provide? [Click here](#)

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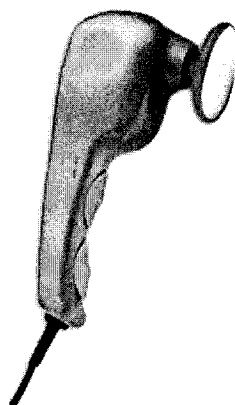
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## Wahl 4196-1001 Heat Therapy Heated Therapeutic Massager

by Wahl

(66 customer reviews)

(12)

List Price: \$36.95

Price: **\$19.77** (\$19.77 / Count) Free Standard Shipping (3-5 days) [Details](#)

You Save: \$17.18 (46%)

[Special Offers Available](#)

**In Stock.**

Ships from and sold by **Amazon.com**. Gift-wrap available.

**Want it delivered Friday, May 13?** Order it in the next 23 hours and 34 minutes, and choose **One-Day Shipping** at checkout. [Details](#)

**18 new** from \$17.00 **1 used** from \$14.99

Quantity: 1

or

[Sign in](#) to turn on 1-Click ordering.

or



Amazon Prime Free Trial required. Sign up when you check out. [Learn More](#)

### More Buying Choices

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\$19.55 & eligible for **FREE Super Saver Shipping** on orders over \$25. [Details](#)

Peak Technology

\$27.85 + Free Shipping

The Price Pros

\$21.80 + \$6.80 shipping

**19 used & new** from \$14.99

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### Product Features

- Relieves Pain and Fatigue
- Wahl® therapeutic massagers have specially designed, unique attachments to address targeted pain relief.
- Eight Attachments for a Customizable Massage.
- Two speed settings-a low setting for a light, soothing massage, and a high setting when you prefer intense, deep penetration for large muscle groups.
- Two Heat settings to help improve circulation and pain relief.

### Special Offers and Product Promotions

- Free Standard Shipping (3-5 days) on this item from Amazon.com. Simply select Standard Shipping during checkout (no code required). Valid on qualifying items only. [Here's how](#) (restrictions apply)

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- Delivers **Heat** That Penetrates Deep For Long Lasting Pain Relief.

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**[Wahl Official WebStore](#)**

- Full Line of **Wahl** Shavers, Clippers & Trimmers. Free Shipping Over \$49!

[www.wahl-store.com](http://www.wahl-store.com)

**[Back2Life](#)**

- **Therapeutic Massager** 12-Minute Back Pain Solution

[www.getback2life.com](http://www.getback2life.com)

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### Frequently Bought Together



**Price For All Three: \$35.43**

These items are shipped from and sold by different sellers. [Show details](#)

- ✓ **This item:** Wahl 4196-1001 Heat Therapy Heated Therapeutic Massager by Wahl \$19.77 (\$19.77 / Count)
- ✓ Scalp Massager (Colors May Vary) by Body Back Company \$3.17 (\$1.98 / oz)
- ✓ Wahl 4120-200 All-Body Massage Powerful Therapeutic Massager in Pharmacy Box by Wahl \$12.49 (\$12.49 / Count)

## Customers Who Bought This Item Also Bought

Page 1 of 1



Scalp Massager (Colors May Vary) by Body Back Company  
(128)  
\$3.17



Wahl 4120-200 All-Body Massage Powerful Therapeutic Massager by Wahl  
(132)  
\$12.49



Handheld Percussion Massager w/ Infrared Light by Fatherland Shop  
(8)  
\$29.54

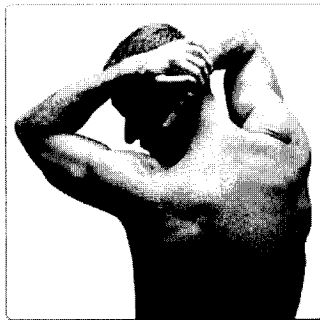


Homedics PM-50 Hand Held Mini Massager with Hand Grips by HoMedics  
(21)  
\$6.99

## Product Description

### Amazon.com Product Description

With two speed settings, two heat settings and a lightweight, ergonomic design, the Wahl Handheld Heat Therapy massager allows you to relieve aches and muscle pain in the comfort of your own home. For a customized experience, the massager includes eight separate attachments providing different types of massage, from a light touch for facials to a deep massage using two heat settings. A contoured, multi-grip handle provides a sure grip and easy maneuverability.



*The Heat Therapy Massager features two different attachments for kneading and deep muscle massage.*



*The low setting offers a light, soothing massage that is ideal for facials.*

### Eight Attachments for a Customizable Massage

Whether you're looking to knead your muscles after a long bike ride or massage your scalp after a day at the office, the Heat Therapy massager comes equipped with eight different attachments that are easily interchangeable to fit your massage needs.

Ideal for lower back pain and neck pain, a heat attachment can be used with two different heat settings for relief of stiff muscles. A facial attachment provides a smooth surface for a light, gentle massage to the face, while the scalp massager stimulates blood flow to your brain using acupressure points. Two different attachments for muscle groups--for kneading and deep muscle massage--provide the stimulation you need for areas like the back and hamstrings.

A specialized knuckle and joint attachment is shaped like a triangle so it can fit into those hard-to-reach joint areas, and a spot application attachment provides pinpoint pressure wherever you need it the most. Finally, a general body attachment offers soothing and calming massage anywhere on the body.

### Ergonomic Design with Multi-Grip

The compact, lightweight Heat Therapy massager is designed with an ergonomic handle that helps you avoid awkward angles and uncomfortable positions. A multi-grip prevents slipping and allows you to reach every part of your body. For added convenience, the portable massager is small enough to toss into a suitcase or gym bag.

### Two-Speed Settings and Two Heat Settings

The Heat Therapy massager offers two speed settings--a low setting for a light, soothing massage, and a high setting when you prefer intense, deep penetration for large muscle groups. The Heat Therapy also includes a heat attachment to provide a heated massage. Two heat settings allow for a lower speed setting and a more intense high heat setting. The massager plugs into a standard outlet with an extra-long cord for convenience and delivers

a powerful massage with a whisper-quiet motor.



### The Heat Therapy Massager At a Glance

Lightweight, handheld massager for home use

Eight attachments, including heat attachment with two heat settings, provide a customizable massage for every part of the body

Ergonomic, lightweight design for a steady grip

Two speed settings for soft or deep pressure

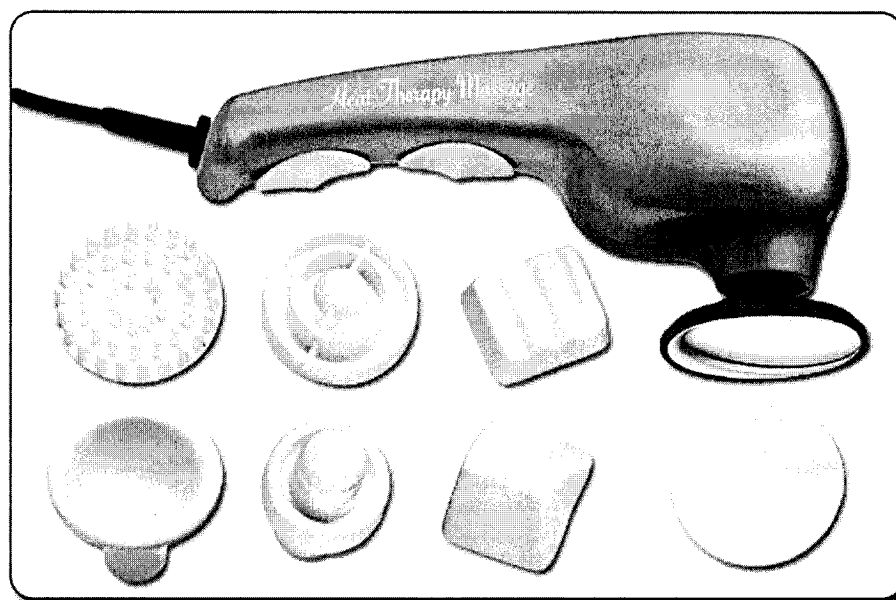
Plugs into a standard outlet for convenience

#### About Wahl: A Leader in Home Grooming Products

Family-owned since its founding in 1919, the Wahl Clipper Corporation remains an industry leader in professional and home grooming products. Wahl invented the first consumer cordless beard trimmer in 1984 and continues to engineer and manufacture all of their own products insuring consistent quality. Wahl's innovative design, high-quality materials, and strong commitment to maintaining a first-rate reputation has helped them become the number one manufacturer of trimmers in the world. From their manufacturing headquarters in Sterling, Illinois, the Wahl Clipper Corporation maintains live customer service support from the facility, ensuring expertise and dedication to service. Wahl is also dedicated to reducing its impact on the environment.

#### What's in the Box

The Wahl Heat Therapy massager comes in a pharmacy box with eight attachments, and English/Spanish instruction guide.



*The Wahl Heat Therapy Massager features two speed settings and seven attachments to fit your massage needs.*

#### Product Description

Wahl 2-Speed Hand-Held All-Body Massager with HEAT. Heat function penetrates deeply to sooth stiff and aching muscles. Choose massage only, heat only or a combination of both with 2 heat and 2 vibration speeds. Includes multiple attachments to customize your massage for different parts of your body. Comes in attractive gift box.

#### Product Details

**Product Dimensions:** 8 x 2.5 x 2 inches ; 2 pounds

**Shipping Weight:** 2 pounds (View shipping rates and policies)

**Shipping:** This item is also available for shipping to select countries outside the U.S.

**ASIN:** B000NSG98Q

**UPC:** 043917419718

**Item model number:** 4196-1001

**Average Customer Review:** (66 customer reviews)

**Amazon Bestsellers Rank:** #471 in Health & Personal Care (See Top 100 in Health & Personal Care)

#2 in Health & Personal Care > Health Care > Massage & Relaxation > **Electric Massagers**

Would you like to [give feedback on images](#) or [tell us about a lower price?](#)

#### Buy This Product and Related Items



**Wahl 4196-1001 Heat Therapy Heated Therapeutic Massager**  
**\$36.95 \$19.77**  
 (\$19.77 / Count)

Most Popular

Massage & Relaxation Products

Alternative Medicine Products

Pain Relief Medications & Treatments



Scalp Massager (Colors May Vary)

(128)

**\$12.95 \$3.17**  
 (\$1.98 / oz)

In Stock from [HealthE Goods Natural Health](#).



Wahl 4120-200 All-Body Massage Powerful Therapeutic Massager in Pharmacy Box

(132)

**\$16.95 \$12.49**  
 (\$12.49 / Count)

In Stock and eligible for FREE Super Saver Shipping



Handheld Percussion Massager w/ Infrared Light

(8)

**\$29.54**

In Stock from [FatherLand Shop](#).

Page 1 of 2

## Customers Who Viewed This Item Also Viewed

Page 1 of 1



Wahl Heat Therapy Complete Heated Massage at Home, Model... by Wahl

(1)

**\$29.99**



Wahl 4296 Deluxe Wand Full-size Therapeutic Massager, Sil... by Wahl

(7)

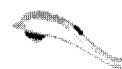
**\$27.77**



Hand Held Personal Massager - Hitachi Magic Wand Vibra... by Hitachi

(35)

**\$54.25**



Prosepra Dolphin Massager by Prosepra

(19)

**\$34.77**

Product Ads from External Websites (What's this?)

Sponsored Content

## Looking for "handheld massager" Products?

Other customers suggested these items:



[Thumper Massager Inc. TM1101 Thumper MINI PRO2 Massager](#)

(1) \$189.00

Suggested by 1 customer



[Homedics HHP-300 Extendable Percussion Massager](#)

(53) \$26.00

Suggested by 4 customers



[Wahl 4120-200 All-Body Massage Powerful Therapeutic Massager in Pharmacy Box](#)

(132) \$12.49

Suggested by 3 customers



[OSTER Stim-U-Lax Massager \(Model:76103-100\)](#)

(16) \$73.92

Suggested by 2 customers



[Oster Stim-U-Lax Professional Massager](#)

(37) \$79.99

Suggested by 2 customers

Explore 21 other items related to "handheld massager"

### Tag this product (What's this?)

Think of a tag as a keyword or label you consider is strongly related to this product.

Tags will help all customers organize and find favorite items.

### Search Products Tagged with

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## Customer Reviews

66 Reviews

5 star: (34)  
4 star: (18)  
3 star: (7)  
2 star: (2)  
1 star: (5)

### Average Customer Review

(66 customer reviews)

Share your thoughts with other customers:

### Most Helpful Customer Reviews

44 of 46 people found the following review helpful:

**This little baby packs a wallop**, August 17, 2007

By [Gentle Reader](#) (Sacramento, California) - [See all my reviews](#)

Amazon Verified Purchase (What's this?)

This review is from: **Wahl 4196-1001 Heat Therapy Heated Therapeutic Massager (Health and Beauty)**

I've had HomeMedics and Conaire and several other brands, and I've been very disappointed in all of them. But the Wahl vibrates right down to the bone and gets to the source of the trouble. For half the cost of an hour with a masseur, you can pleasure yourself for hours! Highly recommended.

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Was this review helpful to you?

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36 of 38 people found the following review helpful:

**Awesome!**, October 5, 2007

By [SassySassy1](#) (Los Angeles, Ca USA) - [See all my reviews](#)

Amazon Verified Purchase (What's this?)

This review is from: **Wahl 4196-1001 Heat Therapy Heated Therapeutic Massager (Health and Beauty)**

This is definitely worth the price. The day after it arrived, I managed to sprain an index finger and this unit (with and without heat) took out most of the discomfort and allowed some flexibility without pain. Have used it on shoulders and on my foot which is partially numb due to nerve damage. It worked wonders. I loved my old unit that died, but this replacement is even better. Definitely a 'keeper'.

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25 of 25 people found the following review helpful:

**definitely recommended**, December 29, 2007

By [H. Kraus](#) (El Cerrito, CA USA) - [See all my reviews](#)

This review is from: **Wahl 4196-1001 Heat Therapy Heated Therapeutic Massager (Health and Beauty)**

Just wanted to echo the other reviewers. High setting gives good vigorous body massage. Low setting can be used for scalp or face. One note is that product not good for reaching to upper back - Homedics seems to have products better for that. The head assortment can also be useful, but not sure how important the heat option is. The best thing I found about the heat option is that I like that particular head best for body massage.

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### Most Recent Customer Reviews

**A very good one for the price**

It is a pretty useful massager and for the price it is worth trying!

The heat is not pretty good, but overall a good one.

Published 24 days ago by Madhan

**Great massager for a low cost**

I was pretty surprised at how great this was for the low cost. I've had issues with pinched nerves in my neck/back for over 10 years and this does the trick! [Read more](#)

Published 1 month ago by Lora Poorman

**Fast pain relief**

I haven't used this more than a few times so far, but each time it temporarily relieved the muscle spasms I've been having in my shoulder and made them less painful overall.

[Read more](#)

Published 1 month ago by A. Rothman

**Wow!!! GREAT massager**

My husband bought this for me for massage and self pleasure...WOW. It rivals even the Hitachi Magic Wand. [Read more](#)

Published 1 month ago by Jasmine Lace

**Does what it is made to do**

This thing works great! I had a conair for several years, that worked ok. I felt it was losing its power. So I purchased wahl.

[Read more](#)

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Published 2 months ago by Steve Fugate

**miracle back relief**

With chronic flare ups of aggravating back pain,I have had modest success at best with expensive special chairs ,mattresses(tempurpedic being the best of the lot),physical therepy... [Read more](#)

Published 2 months ago by Mitchell E. Davis

**wahl massager**

does good job little weak for me and gets hot if run for long ,if your really small person might work good

Published 3 months ago by J. tanquary

**Wahl is not Wahoo!**

The switch for the heat is too close to the switch for the massager on/off switch. The vibration of the massager interferes with the setting of the heat. [Read more](#)

Published 3 months ago

**Great product**

This massager does all that is advertised. It appears to be well-designed and well-made. Best of all it has helped my neck muscles tremendously. [Read more](#)

Published 4 months ago by A. Segovia

**Does the job but doesn't get deep without some hard pushing**

Its a fairly decent product. It does massage as advertised but it feels like in order to get a deep massage you have to push really hard on it. good, but not great.

Published 4 months ago by James E. Perkins

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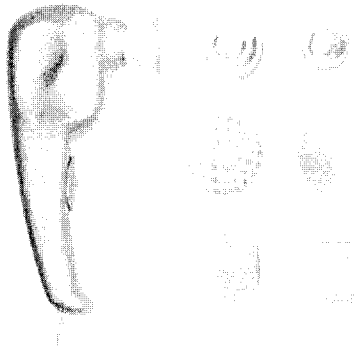
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## Wahl 4120-200 All-Body Massage Powerful Therapeutic Massager in Pharmacy Box

by Wahl

(132 customer reviews) |

(19)

List Price: \$16.95

Price: \$12.49 (\$12.49 / Count) Free Standard Shipping (3-5 days) Details

You Save: \$4.46 (26%)

Special Offers Available

In Stock.

Ships from and sold by Amazon.com. Gift-wrap available.

Want it delivered Friday, May 13? Order it in the next 23 hours and 33 minutes, and choose One-Day Shipping at checkout. Details

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\$11.95 + \$7.87 shipping

**33 new** from \$11.35

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### Product Features

- Relieves Pain and Fatigue
- Wahl® therapeutic massagers have specially designed, unique attachments to address targeted pain relief.
- Seven Attachments for a Customizable Massage.
- Two speed settings—a low setting for a light, soothing massage, and a high setting when you prefer intense, deep penetration for large muscle groups.
- Lightweight ergonomic design. Increases circulation.

### Special Offers and Product Promotions

- Free Standard Shipping (3-5 days) on this item from Amazon.com. Simply select Standard Shipping during checkout (no code required). Valid on qualifying items only. [Here's how](#) (restrictions apply)

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Price For All Three: \$35.43

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- ✓ Scalp Massager (Colors May Vary) by Body Back Company \$3.17 (\$1.98 / oz)
- ✓ Wahl 4196-1001 Heat Therapy Heated Therapeutic Massager by Wahl \$19.77 (\$19.77 / Count)

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Scalp Massager (Colors May Vary) by Body Back Company

(128)

\$3.17



Conair Touch And Tone Massager With Magnet Attachment, ... by Conair

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Wahl 4196-1001 Heat Therapy Heated Therapeutic Massager by Wahl

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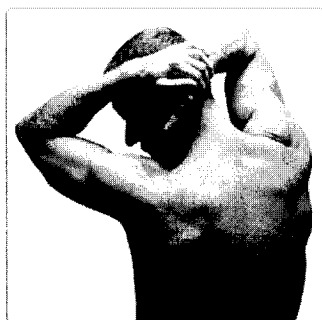
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See instruction manual

## Product Description

## Amazon.com Product Description

With two speed settings and a lightweight, ergonomic design, the Wahl All-Body massager allows you to relieve aches and muscle pain in the comfort of your own home. For a customized experience, the massager includes seven separate attachments that provide different types of massage, from a light touch for facials to a deep tissue massage. A contoured, multi-grip handle offers a sure grip and easy maneuverability.



*The All-Body Massager features two different attachments for kneading and deep muscle massage.*

**Seven Attachments for a Customizable Massage**

Whether you're looking to knead your muscles after a long bike ride or massage your scalp after a day at the office, the All-body Massager comes equipped with seven different attachments that are easily interchangeable to fit your massage needs.

A facial attachment provides a smooth surface for a light, gentle massage to the face, while the scalp massager stimulates blood flow to your brain using acupressure points. Two different attachments for muscle groups--for kneading and deep muscle massage--provide the stimulation you need for areas like the back and hamstrings.

A specialized knuckle and joint attachment is shaped like a triangle so it can fit into those hard-to-reach joint areas, and a spot application attachment provides pinpoint pressure wherever you need it the most. Finally, a general body attachment offers soothing and calming massage for anywhere on the body.

**Ergonomic Design with Multi-Grip**

The compact, lightweight All-body Massager is designed with an ergonomic handle that helps you avoid awkward angles and uncomfortable positions. A multi-grip prevents slipping and allows you to reach every part of your body. For added convenience, the portable massager is small enough to toss into a suitcase or gym bag.

**Two-Speed Settings**

The massager offers two speed settings--a low setting for a light, soothing massage, and a high setting when you prefer intense, deep penetration for large muscle groups. It plugs into a standard outlet for convenience and delivers a powerful massage with a whisper-quiet motor.

**The Two-speed All-body Massager At a Glance**

Lightweight, handheld massager for home use

Seven attachments provide a customizable massage for every part of the body

Ergonomic, lightweight design for a steady grip

Two speed settings for soft or deep pressure

Plugs into a standard outlet for convenience



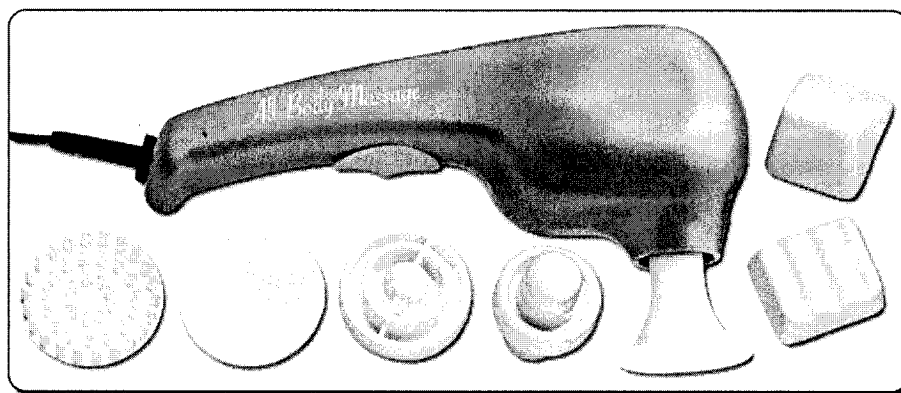
*The low setting offers a light, soothing massage that is ideal for facials.*

#### About Wahl: A Leader in Home Grooming Products

Family-owned since its founding in 1919, the Wahl Clipper Corporation remains an industry leader in professional and home grooming products. Wahl invented the first consumer cordless beard trimmer in 1984 and continues to engineer and manufacture all of their own products insuring consistent quality. Wahl's innovative design, high-quality materials, and strong commitment to maintaining a first-rate reputation has helped them become the number one manufacturer of trimmers in the world. From their manufacturing headquarters in Sterling, Illinois, the Wahl Clipper Corporation maintains live customer service support from the facility, ensuring expertise and dedication to service. Wahl is also dedicated to reducing its impact on the environment.

#### What's in the Box

The Wahl All-Body massager comes in pharmacy box with seven attachments, and an English/Spanish instruction guide.



*The Wahl All-Body Massager features two speed settings and seven attachments to fit your massage needs.*

#### Product Description

Wahl body massager corded 2 speed

#### Product Details

**Product Dimensions:** 1.9 x 0.2 x 4 inches ; 2 pounds

**Shipping Weight:** 2.2 pounds ([View shipping rates and policies](#))

**Shipping:** This item is also available for shipping to select countries outside the U.S.

**ASIN:** B000EQS33G

**UPC:** 714905000262 043917412047

**Item model number:** 4120-200

**Average Customer Review:** (132 customer reviews)

**Amazon Bestsellers Rank:** #236 in Health & Personal Care ([See Top 100 in Health & Personal Care](#))

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5 star: (84)  
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2 star: (8)  
1 star: (6)

Average Customer Review  
(132 customer reviews)

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## Most Helpful Customer Reviews

117 of 119 people found the following review helpful:

**Excellent for Massage and More!**, January 20, 2007

By

**Truth Speaker "zoezoe"** (St. Louis, MO United States) - [See all my reviews](#)

## Most Recent Customer Reviews

**Really Good**

This item is robust, easy to use and delivers a very good massage. It was my first massager and I have no other to compare

This review is from: **Wahl 4120-200 All-Body Massage Powerful Therapeutic Massager in Pharmacy Box (Health and Beauty)**

I had my first Wahl "massager" for almost 15 years before the cord frayed. It is such a great and reliable product and the two-speed function allows you to control the intensity. I also appreciate the various attachments which allow you to pinpoint just the area you want to work on. May I risk saying I find this a multi-purpose massager and have found many marvelous uses. For the money, you can't get anything better.

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Was this review helpful to you?

[Comments \(7\)](#)

37 of 38 people found the following review helpful:

**so powerfull**, June 24, 2006

By **S. Shearer** (Ames, Iowa United States) - [See all my reviews](#)

After Wahl stopped making these for a short time, and my original ancient wahl massager finally burt out, I roamed the ends of the earth looking for something that matched up in terms of power. This baby is so surprisingly powerful...and quiet. Be careful getting this because you'll be spoilt once you've used it, and find anything less cheap and trashy!

Now that they've broght the classic back and updated it (at least from the 1970's model i was using) it's the best buy, and you usually can't find it for under \$40. Now with two speeds, better attachments including the heat massage attachment, this is complete relaxation however you decide to use it. My favorite is the 'ripple' effect attachment on my feet!

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40 of 43 people found the following review helpful:

**WAHL 4120 MASSAGER**, November 3, 2009

By **\$SB812 "Red"** (FL) - [See all my reviews](#)

Amazon Verified Purchase (What's this?)

This review is from: **Wahl 4120-200 All-Body Massage Powerful Therapeutic Massager in Pharmacy Box (Health and Beauty)**

I had read some of the reviews on this massager so I said well let me try it. I really didn't expect all that much. I haven't used it on my shoulders or any other common spots because I bought it to try sexually. All I can say is OMG. Whatever motor or equipment they put in this massager, I am grateful for my purchase. I will definitely be buying the Gspot attachment. Oh and the fact that I can just plug it in the wall makes it even better. Never have to worry about batteries. It's my fav in my toy chest now.

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but my impression is that we hit the nail straight into... [Read more](#)

Published 2 days ago by Carlos\_Brazil

#### LOVE IT

I bought this to deal with my chronic neck pain from a stressful job. This is wonderful - can easily use while watching TV.

[Read more](#)

Published 5 days ago by Tawainai

#### Wahl body massager, 2 speed

I have used other massagers, and this is very good for the price! I have leg and foot circulatory prolems and the wavy head works well in these areas.

Published 15 days ago by Anne M. Marshall

#### Wahl All-Body Massager

##### Review

Its very powerful and definitely serves its purpose regardless of what type or body part you want to massage. [Read more](#)

Published 16 days ago by Jayne

#### great

The Walth all-body massager is great. I love that its small and can travel with it. I also love the different attachments it brings.

Published 22 days ago by Rubia

#### Wow, this is awesome - too good to be true

This is too good to be true. First, a great surprise when I opened it, larger than I expected and heavy duty power. [Read more](#)

Published 23 days ago by D. Vanhoose

#### Powerful

I bought it for my sister and she loves all the attachments and suprised me when she said it was quite powerful. Good product, expecially for the price!

Published 27 days ago by goodlip

#### heavenly little devil

An old aunt gave me my first Wahl for my wedding for, "when I just needed to relax". When the red pointy head broke last year after giving thirty years of extreme satisfaction, I... [Read more](#)

Published 1 month ago by brdinct

#### Does its job!

I use this product as my "personal massager." While I was initially worried that it wouldn't be powerful enough for me, I can now advocate for the product in stating that it... [Read more](#)

Published 1 month ago by stem4prez

#### The handle is a bit heavy for women who have arthritis in the hands.

As I stated, the handle is a bit heavy for someone who has arthritis in their hands but it does do the job.

Published 1 month ago by joan

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- significant digit (noun)
- significant other (noun)

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sig·nif-i·cant *adj* \sig-ni-fi-kant\

### Definition of SIGNIFICANT

- 1 : having meaning; *especially* : SUGGESTIVE <a *significant* glance>
- 2 a : having or likely to have influence or effect : IMPORTANT <a *significant* piece of legislation>; *also* : of a noticeably or measurably large amount <a *significant* number of layoffs> <producing *significant* profits>
- b : probably caused by something other than mere chance <statistically *significant* correlation between vitamin deficiency and disease>

See *significant* defined for English-language learners »

### Examples of SIGNIFICANT

A *significant* number of customers complained about the service.

He won a *significant* amount of money.

There is a *significant* difference in prices between the two stores.

The study found a statistically *significant* decrease in symptoms in patients who had taken the drug.

a *significant* event in the history of our nation

Fish is a *significant* part of their diet.

It is *significant* that she never mentioned him.

He gave us a *significant* wink.

Historians of ancient gender have seen this as crucially *significant*. Women in antiquity were by definition so disempowered that the authority of a new female ruler could only be captured by representing her in the guise of a man. Or so the argument goes. —Mary Beard, *New York Review of Books*, 12 Feb. 2009

[+] more

### Origin of SIGNIFICANT

Latin *significans*, *significans*, present participle of *significare* to signify

First Known Use: 1579

### Related to SIGNIFICANT

**Synonyms:** eloquent, meaning, meaningful, pregnant, revealing, revelatory, expressive, suggestive

**Antonyms:** unexpressive



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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-03-01 16:07:57 ET

Serial Number: 78244077 Assignment Information      Trademark Document Retrieval

Registration Number: 2857989

Mark (words only): BLACK DIAMOND

Standard Character claim: No

Current Status: A Section 8 declaration has been accepted.

Date of Status: 2009-09-23

Filing Date: 2003-04-30

Transformed into a National Application: No

Registration Date: 2004-06-29

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: L50 -TMEG Law Office 105

Date In Location: 2009-09-23

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Corona Hair Net Corp.

**Address:**

Corona Hair Net Corp.  
4807 Mercury Street Suite A  
San Diego, CA 92111  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

**Phone Number:** 858 277 9735

**Fax Number:** 858 277 9351

---

**GOODS AND/OR SERVICES**

---

**International Class:** 021

**Class Status:** Active

Plastic combs for the professional hairdressing industry

**Basis:** 1(a)

**First Use Date:** 1963-01-01

**First Use in Commerce Date:** 1963-01-01

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-09-23 - Section 8 (6-year) accepted

2009-08-13 - Assigned To Paralegal

2009-08-11 - TEAS Section 8 Received

2004-06-29 - Registered - Principal Register

2004-04-06 - Published for opposition

2004-03-17 - Notice of publication

2004-02-06 - Approved for Pub - Principal Register (Initial exam)

2004-02-06 - Examiners amendment e-mailed

2004-01-26 - Previous Allowance Count Withdrawn

2003-11-11 - Approved for Pub - Principal Register (Initial exam)

2003-11-11 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**

Corona Hair Net Corp.  
4807 MERCURY ST STE A  
SAN DIEGO CA 92111-2124

Phone Number: 858 277 9735  
Fax Number: 858 277 9351

---



Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-03-01 18:00:02 ET

Serial Number: 77484438 Assignment Information Trademark Document Retrieval

Registration Number: 3755442

Mark

# Black Tie

(words only): BLACK TIE

Standard Character claim: Yes

**Current Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Date of Status:** 2010-03-02

**Filing Date:** 2008-05-27

**Transformed into a National Application:** No

**Registration Date:** 2010-03-02

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2010-01-26

---

## LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Accents for Elegance

**Address:**  
Accents for Elegance



1376 Meadow Valley Crive  
Draper, UT 84020  
United States

**Legal Entity Type:** Limited Liability Company

**State or Country Where Organized:** Utah

**Phone Number:** 801-562-3020

---

#### GOODS AND/OR SERVICES

---

**International Class:** 021

**Class Status:** Active

Decorative display items, namely, vases, stemware and bowls; decorative display items of crystal, namely, vases, stemware, bowls and figurines; glassware, namely, beverageware, bowls and stemware; glassware of crystal, namely, beverageware, bowls and stemware; figures, figurines, sculptures, statues, statuettes, kitchen containers and drinking glasses, all of crystal

**Basis:** 1(a)

**First Use Date:** 2008-07-09

**First Use in Commerce Date:** 2008-07-09

---

#### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

#### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-03-02 - Registered - Principal Register

2010-01-26 - Law Office Registration Review Completed

2010-01-25 - Assigned To LIE

2010-01-22 - Allowed for Registration - Principal Register (SOU accepted)

2010-01-12 - Statement Of Use Processing Complete

2009-11-23 - Use Amendment Filed

2010-01-12 - Case Assigned To Intent To Use Paralegal

2009-11-23 - TEAS Statement of Use Received

2009-08-03 - Applicant/Correspondence Changes (Non-Responsive) Entered  
 2009-08-03 - TEAS Change Of Owner Address Received  
 2009-08-03 - TEAS Change Of Correspondence Received  
 2009-06-30 - NOA Mailed - SOU Required From Applicant  
 2009-04-07 - Published for opposition  
 2009-03-18 - Notice of publication  
 2009-03-05 - Law Office Publication Review Completed  
 2009-03-04 - Assigned To LIE  
 2009-03-03 - Approved For Pub - Principal Register  
 2009-03-02 - Examiner's amendment mailed  
 2009-02-27 - Examiner's Amendment Entered  
 2009-02-27 - Examiners Amendment -Written  
 2009-02-26 - Attorney Revoked And/Or Appointed  
 2009-02-26 - TEAS Revoke/Appoint Attorney Received  
 2008-09-10 - Non-final action mailed  
 2008-09-09 - Non-Final Action Written  
 2008-09-09 - Assigned To Examiner  
 2008-05-30 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**

Accents for Elegance, LLC  
 Brent Freeman  
 1376 Meadow Valley Drive  
 Draper UT 84020  
 Phone Number: 801-562-3020

---





Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-03-01 18:01:42 ET

Serial Number: 77205070 Assignment Information Trademark Document Retrieval

Registration Number: 3610879

Mark

**BLACK GRANITE**

(words only): BLACK GRANITE

Standard Character claim: Yes

**Current Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Date of Status:** 2009-04-28

**Filing Date:** 2007-06-13

**Transformed into a National Application:** No

**Registration Date:** 2009-04-28

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2009-04-28

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Standard Sales, Inc.

**Address:**  
Standard Sales, Inc.

2801 Est 12th Street  
Los Angeles, CA 900233621  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** California

---

**GOODS AND/OR SERVICES**

---

**International Class:** 021

**Class Status:** Active

Camping cookware, namely, pots, pans, kettles, plates, mugs, serving sets, namely, servingware for serving food, coffee pots, mess kits, namely, mess tins

**Basis:** 1(a)

**First Use Date:** 2005-01-03

**First Use in Commerce Date:** 2005-01-03

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-04-28 - Registered - Principal Register

2009-02-10 - Published for opposition

2009-01-21 - Notice of publication

2009-01-06 - Law Office Publication Review Completed

2009-01-06 - Assigned To LIE

2008-12-21 - Approved for Pub - Principal Register (Initial exam)

2008-11-25 - Teas/Email Correspondence Entered

2008-11-24 - Communication received from applicant

2008-11-24 - TEAS Response to Office Action Received

2008-05-22 - Notification Of Non-Final Action E-Mailed

2008-05-22 - NON-FINAL ACTION E-MAILED  
2008-05-22 - Non-Final Action Written  
2008-03-25 - Teas/Email Correspondence Entered  
2008-03-24 - Communication received from applicant  
2008-03-24 - TEAS Response to Office Action Received  
2007-09-28 - Notification Of Non-Final Action E-Mailed  
2007-09-28 - Non-final action e-mailed  
2007-09-28 - Non-Final Action Written  
2007-09-18 - Assigned To Examiner  
2007-06-18 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Christopher J. Chaudoir

**Correspondent**

CHRISTOPHER J. CHAUDOIR  
ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
4 PARK PLAZA, SUITE 1600  
IRVINE, CA 92614-2558  
Phone Number: 213-612-2299  
Fax Number: 949-567-6710

---



## Black Granite

As the name implies our Black Granite cookware is designed for the avid outdoorsman who wants durable cookware that is easy to clean and can stand up to years of rugged use. Black Granite cookware is stronger than aluminum, and with its permanent non-stick finish, easier to clean than stainless steel.

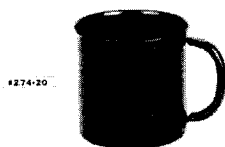
### Nylon Serving Set - Spoon/Fork/Spatula **new**

Includes spatula, cooking spoon and fork. Made of high quality nylon. Safe to use and easy to clean. Safe for non-stick cookware. Dishwasher safe (top rack). Each with wrapper card.

#311 Ctn. of 96



#311



#274-20

### Black Granite Steel Mug

Durable non-stick finish makes cleaning a breeze. 14 oz. capacity. Each with color sticker label.

#274-20 Ctn. of 24



#261-20

### Black Granite - 6" Diameter Bowl

Rugged steel construction will last for many seasons. Durable non-stick finish makes cooking and clean up a breeze. Black Granite finish withstands temps up to 300 degrees. Each piece is carefully polished for the smoothest finish possible. Wash by hand in mild soapy water; avoid metal scrubbers. Each in color display box.

#261-20 Ctn. of 24



#262-20

### Black Granite - 12" Diameter Plate

Rugged steel construction will last for many seasons. Durable non-stick finish makes cooking and clean up a breeze. Black Granite finish withstands temps up to 300 degrees. Each piece is carefully polished for the smoothest finish possible. 12" diameter dinner plate. Wash by hand in mild soapy water; avoid metal scrubbers. Each in color display box.

#262-20 Ctn. of 20

## BLACK GRANITE COOKWARE



#358-20

### Black Granite - Solo Cook Pots

Rugged steel construction will last for many seasons. Durable non-stick finish makes cooking and clean up a breeze. Black Granite finish withstands temps up to 300 degrees. Each piece is carefully polished for the smoothest finish possible. Wash by hand in mild soapy water; avoid metal scrubbers. Components: cook pot with lid and mesh carry bag. Each in color display box.

Solo Cook Pot #358-20 Size = 3.4 Liter Cook Pot Ctn. of 24

Solo Cook Pot #359-20 Size = 1 Liter Cook Pot Ctn. of 24



#359-20

### Black Granite - Mess Kit

Rugged steel construction will last for many seasons. Durable non-stick finish makes cooking and clean up a breeze. Black Granite finish withstands temps up to 300 degrees. Each piece is carefully polished for the smoothest finish possible. Components: fry pan, boiling pot, plate. Wash by hand in mild soapy water; avoid metal scrubbers. Each in color display box.

#360-20 Ctn. of 12



#360-20



Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-03-01 18:02:50 ET

Serial Number: 77699127 Assignment Information Trademark Document Retrieval

Registration Number: 3695503

Mark

**BLACK WIDOW**

(words only): BLACK WIDOW

Standard Character claim: Yes

**Current Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Date of Status:** 2009-10-13

**Filing Date:** 2009-03-25

**Transformed into a National Application:** No

**Registration Date:** 2009-10-13

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2009-10-13

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Softspikes, LLC

**Address:**  
Softspikes, LLC

155 Franklin Road Suite 250

Brentwood, TN 37027

United States

**Legal Entity Type:** Limited Liability Company

**State or Country Where Organized:** Delaware

---

#### GOODS AND/OR SERVICES

---

**International Class:** 021

**Class Status:** Active

golf cleat brushes

**Basis:** 1(a)

**First Use Date:** 1999-00-00

**First Use in Commerce Date:** 1999-00-00

**Used Anywhere in Another Form:** The mark was first used anywhere in a different form other than that sought to be registered at least as early as 01/00/1999

**Used in Commerce in Another Form:** The mark was first used in commerce in a different form other than that sought to be registered at least as early as 01/00/1999

---

#### ADDITIONAL INFORMATION

---

**Prior Registration Number(s):**

2625416

2763063

2790022

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

#### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-10-13 - Registered - Principal Register

2009-07-28 - Published for opposition

2009-07-08 - Notice of publication

2009-06-19 - Law Office Publication Review Completed

2009-06-19 - Assigned To LIE

2009-06-16 - Approved for Pub - Principal Register (Initial exam)

2009-06-15 - Assigned To Examiner

2009-03-30 - New Application Office Supplied Data Entered In Tram

2009-03-28 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Barbara A. Friedman

**Correspondent**

BARBARA A. FRIEDMAN

EDELL, SHAPIRO & FINNAN, LLC

1901 RESEARCH BLVD STE 400

ROCKVILLE, MD 20850-6120

Phone Number: (301) 424-3640

Fax Number: (301) 762-4056

---



### Ultimate Cleat Brush

Conventional  
bristles  
remove debris  
from top of cleats

Angled  
bristles  
clean under  
cleat lugs  
to restore  
ultimate  
traction

TEAM 1000

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This page was generated by the TARR system on 2011-03-01 18:03:36 ET

Serial Number: 78214267 Assignment Information      Trademark Document Retrieval

Registration Number: 2968269

Mark (words only): BLACK LETTER LINES

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2005-07-12

Filing Date: 2003-02-13

Transformed into a National Application: No

Registration Date: 2005-07-12

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-06-02

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. PLJ Enterprises, LLC

**Address:**

PLJ Enterprises, LLC  
1902 Eagle Falls Street  
Houston, TX 77077  
United States

**Legal Entity Type:** Limited Liability Joint Stock Company

**State or Country Where Organized:** Texas

**Phone Number:** 713-229-0804

---

**GOODS AND/OR SERVICES**

---

**International Class:** 021  
**Class Status:** Active  
Beverageware  
**Basis:** 1(a)  
**First Use Date:** 2005-01-21  
**First Use in Commerce Date:** 2005-01-21

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-11-16 - Applicant/Correspondence Changes (Non-Responsive) Entered

2007-11-16 - TEAS Change Of Owner Address Received

2007-02-01 - TEAS Change Of Correspondence Received

2005-07-12 - Registered - Principal Register

2005-04-26 - Law Office Registration Review Completed

2005-04-08 - Assigned To LIE

2005-03-10 - TEAS Statement of Use Received

2005-04-04 - Allowed for Registration - Principal Register (SOU accepted)

2005-03-16 - Statement Of Use Processing Complete

2005-03-10 - Use Amendment Filed

2005-03-16 - Extension 1 granted

2005-01-27 - Extension 1 filed

2005-03-10 - TEAS Statement of Use Received

2005-03-06 - Extension Received With TEAS Petition

2005-03-06 - Petition To Revive-Granted

2005-03-06 - TEAS Petition To Revive Received  
2005-01-28 - TEAS Change Of Owner Address Received  
2004-07-27 - NOA Mailed - SOU Required From Applicant  
2004-05-04 - Published for opposition  
2004-04-14 - Notice of publication  
2004-02-26 - Approved For Pub - Principal Register  
2004-01-21 - Communication received from applicant  
2004-01-21 - TEAS Response to Office Action Received  
2003-07-26 - TEAS Change Of Correspondence Received  
2003-07-21 - Non-final action e-mailed  
2003-07-21 - Assigned To Examiner

---

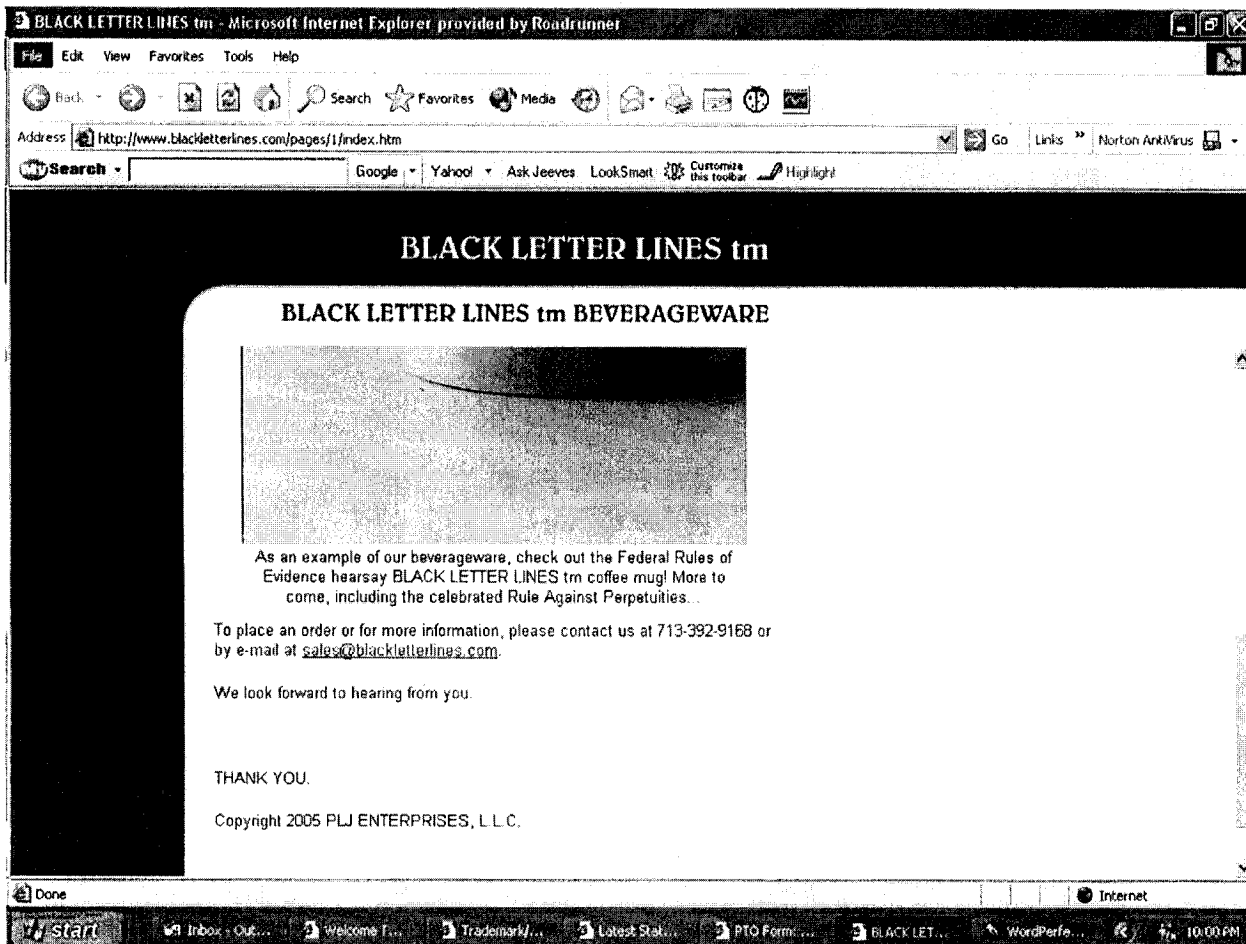
**ATTORNEY/CORRESPONDENT INFORMATION**

---

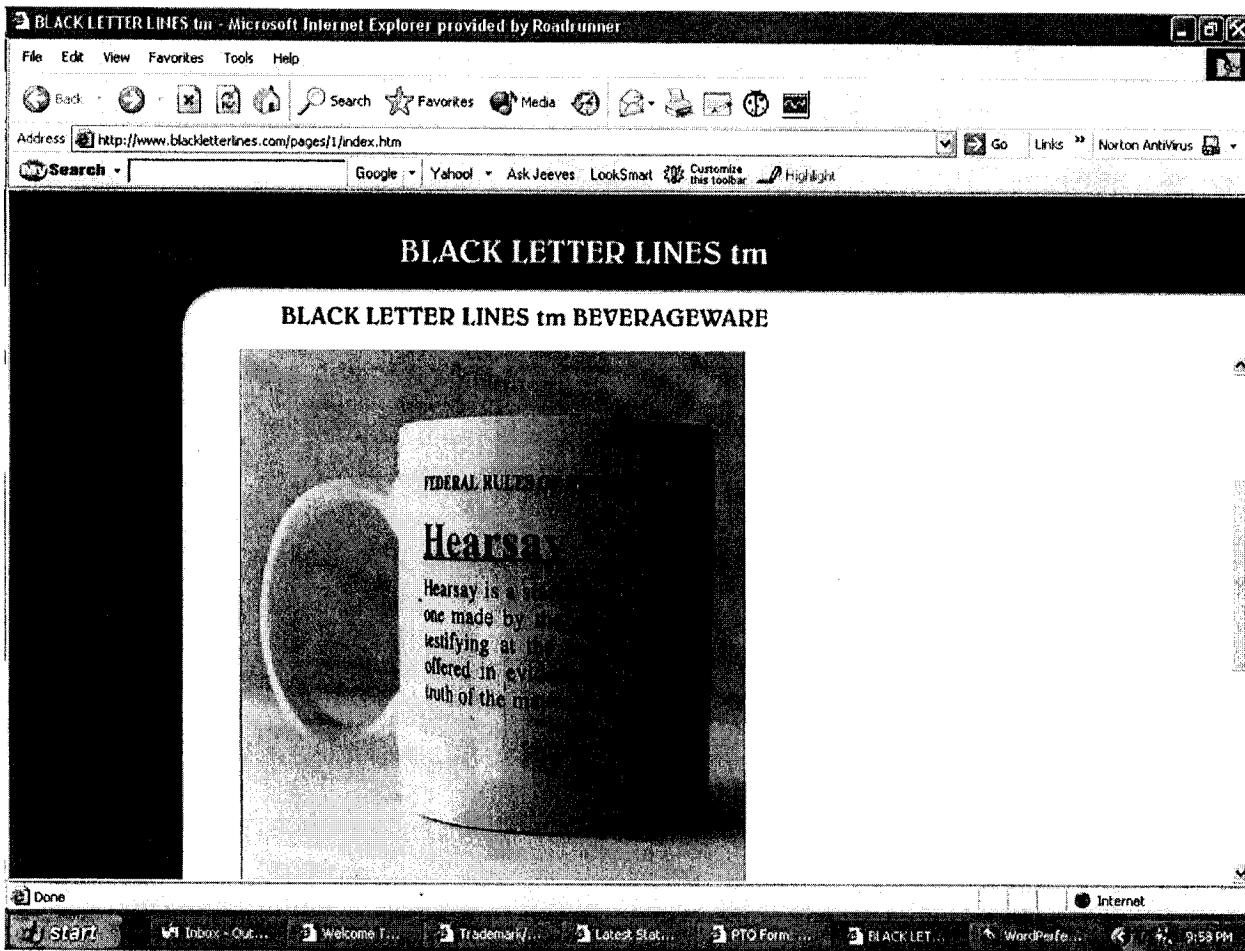
**Correspondent**

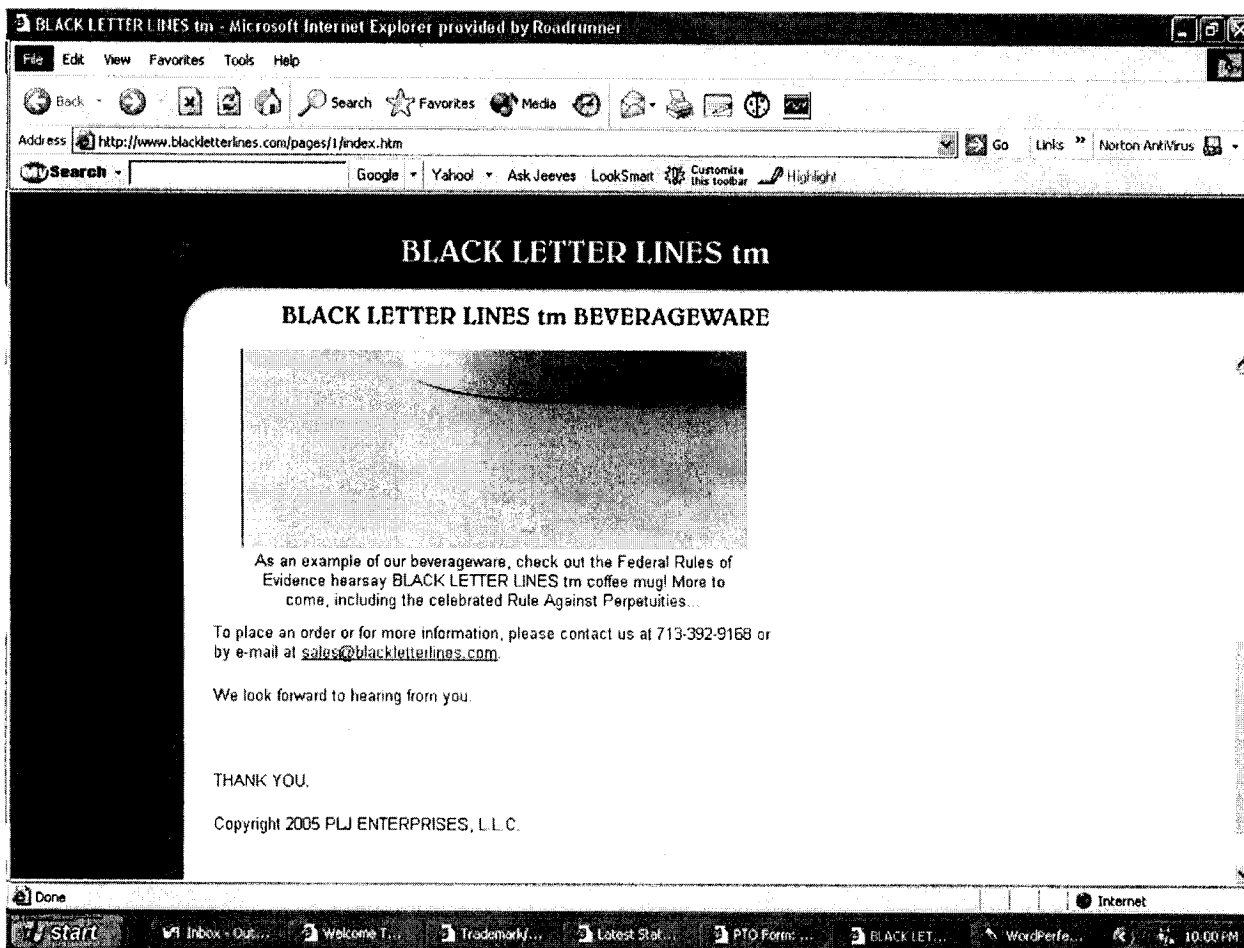
Joel S. Gooch  
1902 Eagle Falls Street  
Houston TX 77077  
Phone Number: 713-229-0804

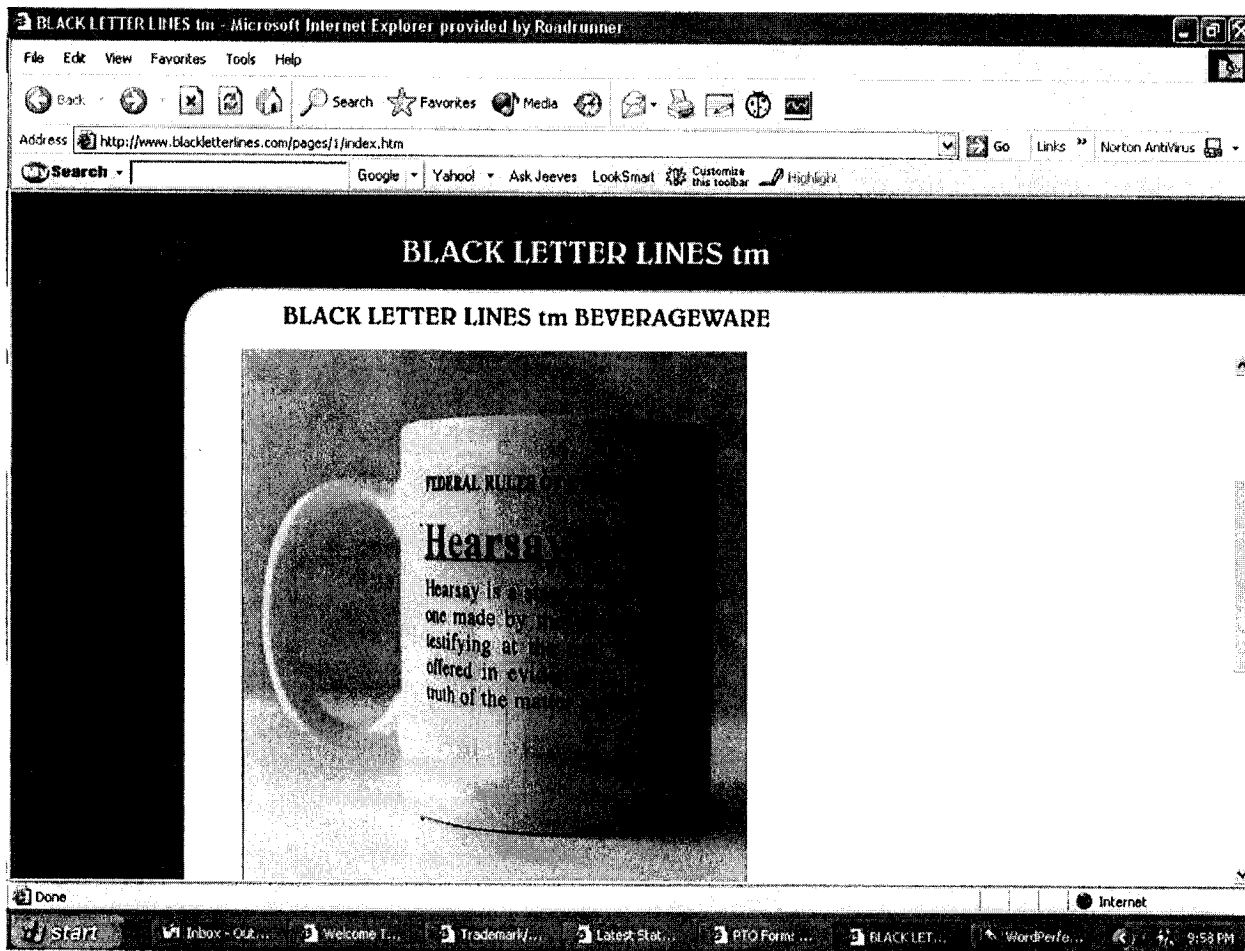
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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-03-01 18:05:08 ET

Serial Number: 78452736 Assignment Information      Trademark Document Retrieval

Registration Number: 3023344

Mark

**BLACK MAGIC**

(words only): BLACK MAGIC

Standard Character claim: Yes

**Current Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Date of Status:** 2005-12-06

**Filing Date:** 2004-07-19

**Transformed into a National Application:** No

**Registration Date:** 2005-12-06

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2005-12-06

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Pennzoil-Quaker State Company

**Address:**

Pennzoil-Quaker State Company

700 Milam  
Houston, TX 77002  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

**GOODS AND/OR SERVICES**

---

**International Class:** 003

**Class Status:** Active

Automobile cleaners, waxes and polishes, namely car washes, namely detergents for automobiles, automobile waxes, automobile waxes in liquid and paste forms, tire cleaners, automobile interior polishes and cleaners for leather upholstery and automobile polishes for engines

**Basis:** 1(a)

**First Use Date:** 2002-12-01

**First Use in Commerce Date:** 2002-12-01

**International Class:** 021

**Class Status:** Active

Accessory products for cleaning, treating, waxing and polishing vehicles namely, sponges, buckets, wheel brushes, and cleaning and polishing cloths

**Basis:** 1(a)

**First Use Date:** 2003-12-01

**First Use in Commerce Date:** 2003-12-01

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-12-11 - TEAS Change Of Correspondence Received

2005-12-06 - Registered - Principal Register

2005-11-02 - Undeliverable Mail - No Action Taken

2005-09-13 - PAPER RECEIVED

2005-09-13 - Published for opposition

2005-08-24 - Notice of publication  
2005-05-25 - Law Office Publication Review Completed  
2005-05-20 - Assigned To LIE  
2005-05-11 - Approved for Pub - Principal Register (Initial exam)  
2005-05-11 - EXAMINERS AMENDMENT E-MAILED  
2005-05-11 - Examiners Amendment -Written  
2005-05-11 - Previous Allowance Count Withdrawn  
2005-05-11 - Approved for Pub - Principal Register (Initial exam)  
2005-05-04 - Teas/Email Correspondence Entered  
2005-04-18 - Communication received from applicant  
2005-04-18 - TEAS Response to Office Action Received  
2005-02-26 - Non-final action e-mailed  
2005-02-26 - Non-Final Action Written  
2005-02-21 - Assigned To Examiner  
2004-07-28 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

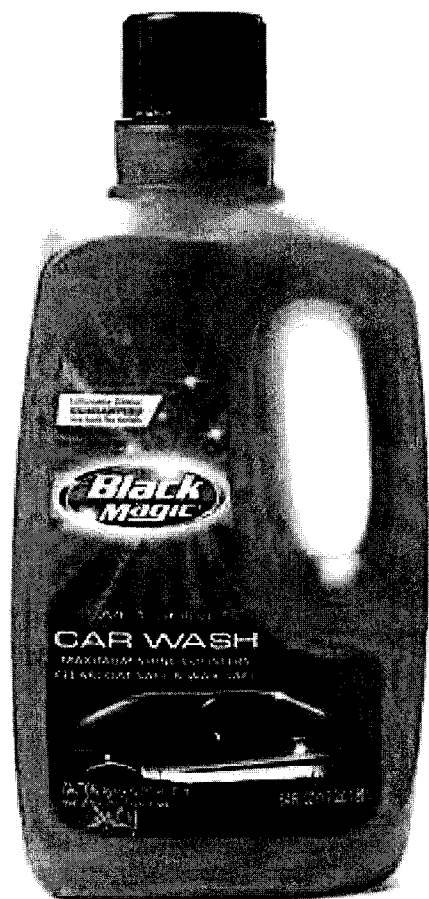
**Attorney of Record**

Kimbley L. Muller

**Correspondent**

KIMBLEY L. MULLER  
SHELL OIL COMPANY  
OSP-4794  
910 Louisiana Street  
Houston TX 77002-4916  
Phone Number: 713-241-2698  
Fax Number: 713-241-6617

---







**DECLARATION OF JENNIFER HAMILTON**

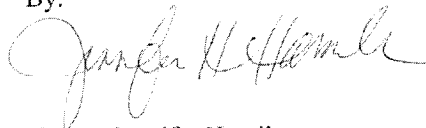
I, Jennifer Hamilton, declare as follows:

1. I am an attorney in the State of California, and authorized to practice before the U.S. Patent and Trademark Office. I am a principal in The Eclipse Group LLC, authorized representative of U.S. Application Serial No. 77/713,799.
2. On or around June 30, 2009, I spoke with the Examiner in this matter regarding the disclaimer of the term SERIES. During that call, the Examiner stated that the Office was requiring a disclaimer of the term SERIES, that this disclaimer requirement was the only open issue, and that if Applicant accepted the disclaimer the Examiner would pass the application to publication.
3. On or around June 30, 2009, I accepted the disclaimer of the term SERIES based on my understanding that the disclaimer would advance the application and allow the Examiner to close prosecution of the application. I understood that the disclaimer requirement for the term SERIES was based on Applicant's related applications for the marks THE BLACK SERIES BY SHIFT3 and THE BLACK SERIES.

The undersigned declares that that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: 4/28/11

By:



Name: Jennifer Hamilton



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series



## series

50 ENTRIES FOUND:

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**series** *noun, often attributive* \sir-(.)ēz\

*plural series*

### Definition of SERIES

- 1 a** : a number of things or events of the same class coming one after another in spatial or temporal succession <a concert *series*> <the hall opened into a *series* of small rooms>
- b** : a set of regularly presented television programs each of which is complete in itself
- 2** : the indicated sum of a usually infinite sequence of numbers
- 3 a** : the coins or currency of a particular country and period
- b** : a group of postage stamps in different denominations
- 4** : a succession of volumes or issues published with related subjects or authors, similar format and price, or continuous numbering
- 5** : a division of rock formations that is smaller than a system and comprises rocks deposited during an epoch
- 6** : a group of chemical compounds related in composition and structure
- 7** : an arrangement of the parts of or elements in an electric circuit whereby the whole current passes through each part or element without branching — compare PARALLEL
- 8** : a set of vowels connected by ablaut (as *i, a, u* in *ring, rang, rung*)
- 9** : a number of games (as of baseball) played usually on consecutive days between two teams <in town for a 3-game *series*>
- 10** : a group of successive coordinate sentence elements joined together

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Before the Super Bowl, Christina Aguilera  
sang the national anthem ... more »



"Swivel"  
In an article about snow damage and  
resulting distress ... more »

: SOIL SERIES

**12:** three consecutive games in bowling

— **in series**

: in a serial or series arrangement

🔗 See series defined for English-language learners »

#### Examples of SERIES

a five-part *series* on the history of baseball

a *series* of articles on global warming

The Yankees played a three-game *series* against the Red Sox last week.

The *play-off series* between the two teams begins next week.

#### Origin of SERIES

Latin, from *serere* to join, link together; akin to Greek *eirein* to string together, *hormos* chain, necklace, and perhaps to Latin *sort-*, *sors* lot

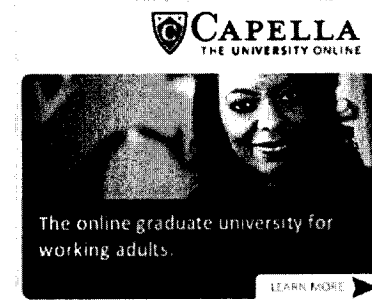
First Known Use: 1611

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550i Sedan  
550i xDrive Sedan  
535i Gran Turismo  
535i xDrive Gran Turismo  
550i Gran Turismo  
550i xDrive Gran Turismo

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- 32 mpg hwy\*
- 240 Horsepower
- Starting at \$45,050 MSRP  
36 month lease well  
equipped at \$579 /month  
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#### 535i Sedan

- 30 mpg hwy\*
- 300 Horsepower
- Starting at \$50,100 MSRP  
36 month lease well  
equipped at \$639 /month  
Build Your Own

#### 535i xDrive Sedan

- 29 mpg hwy\*
- 300 Horsepower
- Starting at \$52,400 MSRP  
36 month lease well  
equipped at \$669 /month  
Build Your Own

#### 550i Sedan

- 25 mpg hwy\*
- 400 Horsepower
- Starting at \$60,200 MSRP  
36 month lease well  
equipped at \$759 /month  
Build Your Own

#### 550i xDrive Sedan

- 24 mpg hwy\*
- 400 Horsepower
- Starting at \$62,500 MSRP  
36 month lease well  
equipped at \$789 /month  
Build Your Own

### Gran Turismos

#### 535i Gran Turismo

- 30 mpg hwy\*
- 300 Horsepower
- Starting at \$56,500 MSRP  
36 month lease well  
equipped at \$593 /month  
Build Your Own

#### 535i xDrive Gran Turismo

- 27 mpg hwy\*
- 300 Horsepower
- Starting at \$58,800 MSRP  
36 month lease well  
equipped at \$724 /month  
Build Your Own

#### 550i Gran Turismo

- 22 mpg hwy\*
- 400 Horsepower
- Starting at \$64,400 MSRP  
36 month lease well  
equipped at \$794 /month  
Build Your Own

#### 550i xDrive Gran Turismo

- 22 mpg hwy\*
- 400 Horsepower
- Starting at \$66,700 MSRP  
36 month lease well  
equipped at \$824 /month  
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\*EPA-estimated figures only. Your actual mileage will vary.

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